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AMENDED IN SENATE MAY 28, 2009

AMENDED IN SENATE MAY 5, 2009

AMENDED IN SENATE APRIL 20, 2009

AMENDED IN SENATE APRIL 13, 2009

SENATE BILL

No. 819

Introduced by ~~Committee on Business, Professions and Economic Development (Negrete McLeod (chair), Aanestad, Corbett, Correa, Florez, Oropeza, Romero, Walters, Wyland, and Yee)~~ *Senator Yee*

(Coauthors: Senators Calderon and Florez)

(Coauthors: Assembly Members Emmerson, Hayashi, Ma, and Niello)

March 10, 2009

An act to amend Sections 27, 101, 128.5, 144, 146, 149, 683, 733, 800, 801, 803, 1907, 2089.5, 2096, 2102, 2107, 2135, 2168.4, 2175, 2221, 2307, 2335, 2486, 2488, 2570.5, 2570.6, 2570.7, 2570.185, 2760.1, 3503, 3517, 3518, ~~3625~~, 3635, 3636, 3753.5, 4022.5, 4027, 4040, 4051, 4059.5, 4060, 4062, 4076, 4081, 4110, 4111, 4126.5, 4161, 4174, 4231, 4301, 4305, 4329, 4330, 4857, 4980.30, 4980.43, 4996.2, 4996.17, 4996.18, 5092, 5093, 5801, 6534, 6536, 6561, 7616, 7629, 8030.2, 8740, and 8746 of, to add Sections 2169, 2570.36, 2835.7, 4036.5, 4980.04, ~~and 4990.09 to, and 4990.09, and 5094.6 to, to add~~ and repeal Sections 5094.5 and 5094.7 of, to repeal Sections 2172,

2173, 2174, 4981, 4994.1, 4996.20, 4996.21, ~~and 6761~~ 5096.11, and 6761 of, and to repeal and amend Section 5094 of, the Business and Professions Code, to amend Section 8659 of the Government Code, to amend Sections 8778.5, 11150, and 11165 of the Health and Safety Code, and to amend Section 14132.100 of the Welfare and Institutions Code, relating to professions and vocations, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 819, as amended, ~~Committee on Business, Professions and Economic Development~~ *Yee*. Professions and vocations.

(1) Existing law provides for the licensure and regulation of various professions and vocations by boards and bureaus within the Department of Consumer Affairs.

Existing law requires certain boards and bureaus to disclose on the Internet information on licensees.

This bill would require the Cemetery and Funeral Bureau to disclose on the Internet information on specified licensees.

(2) Under existing law, if, upon investigation, a specified state regulatory agency has probable cause to believe that a person is advertising in a telephone directory with respect to the offering or performance of services, without being properly licensed by or registered with that agency, the agency is authorized to issue a specified citation.

This bill would add the Physical Therapy Board of California to those authorized agencies.

Existing law requires specified licensure boards to report to the State Department of Health Care Services the name and license number of a person whose license has been revoked, suspended, surrendered, made inactive, or otherwise restricted, and requires specified licensure boards to create and maintain a central file of the names of all persons who hold a license from the board, and to prescribe and promulgate written complaint forms, as specified.

This bill would also subject the California Board of Occupational Therapy to these requirements, and would subject the Acupuncture Board to the requirement to create and maintain a central file of the names of its licensees and to prescribe and promulgate written complaint forms, as specified.

(3) Existing law, the Dental Practice Act, provides for the licensure and regulation of registered dental hygienists, registered dental

hygienists in alternative practice, registered dental hygienists in extended functions, and registered dental assistants, among others. Existing law authorizes a person holding a license as a registered dental hygienist, registered dental hygienist in alternative practice, or registered dental hygienist in extended functions as of July 1, 2009, to perform the duties of a registered dental assistant, and requires persons issued one of those licenses on or after July 1, 2009, to also receive a registered dental assistant license before performing the duties of a registered dental assistant.

This bill would instead authorize a person holding a license as a registered dental hygienist, registered dental hygienist in alternative practice, or registered dental hygienist in extended functions as of December 31, 2005, to perform the duties of a registered dental assistant, and would require persons issued one of those licenses on or after January 1, 2006, to also receive a registered dental assistant license before performing the duties of a registered dental assistant.

(4) Existing law, the Medical Practice Act, provides for the licensure and regulation of physicians and surgeons by the Medical Board of California. The act requires each applicant for a physician and surgeon's license to meet specified training and examinations requirements, authorizes the appointment of examination commissioners, requires that examinations be conducted in English, except as specified, allows the examinations to be conducted in specified locations, requires notice of examinations to contain certain information, and requires examination records to be kept on file for a period of 2 years or more. The act authorizes a person whose certificate has been surrendered, revoked, suspended, or placed on probation, as specified, to petition for reinstatement of the certificate or modification of the penalty if specified requirements are met. Under existing law, any person who meets certain eligibility requirements, including, but not limited to, the requirement that the person is academically eminent, as defined, may apply for a special faculty permit that authorizes the holder to practice medicine, without a physician's and surgeon's certificate, within the medical school itself and certain affiliated institutions.

This bill would revise the training requirements for a physician and surgeon's license, and would delete the requirement of passage of a clinical competency examination that is applicable to certain applicants. The bill would delete the provisions related to the appointment of examination commissioners, examinations being conducted in English and examination interpreters, the location of examinations, and

examination notices. The bill would also delete the requirement that the board keep examination records on file for at least 2 years, and would instead require the board to keep state examination records on file until June 2070. The bill would revise the requirements for a petition for reinstatement or modification, as specified. The bill would require the holder of a special faculty permit to meet the same continuing medical education requirements as the holder of a physician's and surgeon's certificate and would also require a special faculty permit holder to show that he or she meets these requirements at the time of permit renewal.

Existing law provides for the licensure and regulation of podiatrists by the Board of Podiatric Medicine in the Medical Board of California. Existing law authorizes the Board of Podiatric Medicine to issue an order of nonadoption of a proposed decision or interim order of the Medical Quality Hearing Panel within 90 calendar days. Existing law requires an applicant for a certificate to practice podiatric medicine to meet specified application procedures.

This bill would instead authorize the Board of Podiatric Medicine to issue an order of nonadoption of a proposed decision or interim order of the Medical Quality Hearing Panel within 100 calendar days. The bill would revise the application procedures for a certificate to practice podiatric medicine, as specified.

(5) Existing law, the Occupational Therapy Practice Act, provides for the licensure of occupational therapists and the certification of occupational therapy assistants by the California Board of Occupational Therapy. Existing law requires an occupational therapist to document his or her evaluation, goals, treatment plan, and summary of treatment in the patient record. Existing law authorizes a limited permit to practice occupational therapy to be granted if specified education and examination requirements are met, but provides that if the person fails to qualify for or pass the first announced licensure examination, all limited permit privileges automatically cease upon due notice. Existing law requires an applicant applying for a license or certification to file with the board a written application provided by and satisfactory to the board, showing that he or she meets certain requirements, including, but not limited to, successful completion of an educational program's academic requirements approved by the board and accredited by the American Occupational Therapy Association's Accreditation Council for Occupational Therapy Education (ACOTE) and successful completion of a period of supervised fieldwork experience. Existing

law also specifies the curriculum requirements for an education program for occupational therapists and occupational therapy assistants.

This bill would require an occupational therapy assistant to document in the patient record the services provided to the patient, and would require an occupational therapist or assistant to document and sign the patient record legibly. The bill would revise the provisions related to limited permit privileges to instead provide that a person's failure to pass the licensure examination during the initial eligibility period would cause the privileges to automatically cease upon due notice. The bill would require that the applicant successfully complete the educational program's academic requirements approved by the board and accredited by ACOTE, or accredited or approved by the American Occupational Therapy Association's (AOTA) predecessor organization, or approved by AOTA's Career Mobility Program. The bill would also revise those curriculum requirements for an educational program. The bill would authorize an applicant who is a graduate of an educational program and is unable to provide evidence of having met the curriculum requirements to demonstrate passage of a specified examination as evidence of having successfully satisfied the curriculum requirements. The bill would require an applicant who completed AOTA's Career Mobility Program to demonstrate participation in the program and passage of a specified examination as evidence of having successfully satisfied the educational program and curriculum requirements. The bill would revise the supervised fieldwork experience requirement. The bill would require a licensee to report to the board violations of the Occupational Therapy Practice Act by licensees or applicants for licensure and to cooperate with the board, as specified.

(6) Existing law, the Nursing Practice Act, provides for the licensure and regulation of nurses by the Board of Registered Nursing. Existing law authorizes a registered nurse whose license is revoked or suspended, or who is placed on probation, to petition for reinstatement of his or her license or modification of the penalty after a specified time period.

This bill would require a petition by a registered nurse whose initial license application is subject to a disciplinary decision to be filed after a specified time period from the date upon which his or her initial license was issued.

Existing law provides for the certification and regulation of nurse practitioners and nurse-midwives by the Board of Registered Nursing and specifies requirements for qualification or certification as a nurse practitioner. Under the act, the practice of nursing is defined, in part,

as providing direct and indirect patient care services, as specified, including the dispensing of drugs or devices under specified circumstances. The practice of nursing is also described as the implementation, based on observed abnormalities, of standardized procedures, defined as policies and protocols developed by specified facilities in collaboration with administrators and health professionals, including physicians and surgeons and nurses.

This bill would authorize the implementation of standardized procedures that would expand the duties of a nurse practitioner in the scope of his or her practice, as enumerated. The bill would make specified findings and declarations in that regard.

(7) Existing law, the Physician Assistant Practice Act, provides for the licensure and regulation of physician's assistants by the Physician Assistant Committee of the Medical Board of California. Existing law authorizes the committee to grant interim approval to an applicant for licensure as a physician assistant.

This bill would delete that authority to grant interim approval and would make conforming changes.

(8) Existing law, the Naturopathic Doctors Act, provides for the licensure and regulation of naturopathic doctors by the Bureau of Naturopathic Medicine. Existing law requires licensees to obtain continuing education through specified continuing education courses. Existing law requires a licensee on inactive status to meet certain requirements in order to restore his or her license to active status, including paying a reactivation fee.

This bill would revise the standards for continuing education courses. The bill would delete the requirement that a licensee on inactive status pay a reactivation fee in order to restore his or her license to active status, and would instead require him or her to be current with all licensing fees.

~~Existing law authorizes the Director of Consumer Affairs to establish an advisory council related to naturopathic doctors composed of members who receive no compensation, travel allowances, or reimbursement of expenses.~~

~~This bill would delete the requirement that the members of the advisory council receive no compensation, travel allowances, or reimbursement of expenses.~~

(9) Existing law provides for the licensure and regulation of respiratory care practitioners by the Respiratory Care Board of California. Existing law authorizes the board to direct a practitioner or

applicant who is found to have violated the law to pay the costs of investigation and prosecution.

This bill would also authorize the board to direct a practitioner or applicant who is found to have violated a term or condition of board probation to pay the costs for investigation and prosecution.

Existing law exempts certain healing arts practitioners from liability for specified services rendered during a state of war, state of emergency, or local emergency.

This bill would also exempt respiratory care practitioners from liability for the provision of specified services rendered during a state of war, state of emergency, or local emergency.

(10) Existing law, the Pharmacy Law, the knowing violation of which is a crime, provides for the licensure and regulation of pharmacists and pharmacies by the California State Board of Pharmacy.

Existing law authorizes a pharmacy to furnish dangerous drugs only to specified persons or entities, and subjects certain pharmacies and persons who violate the provision to specified fines.

This bill would provide that any violation of this provision by any person or entity would subject the person to the fine.

Existing law prohibits a person from acting as a wholesaler of any dangerous drug or device without a license from the board. Existing law requires a nonresident wholesaler, as defined, to be licensed prior to shipping, mailing, or delivering dangerous drugs or dangerous devices to a site located in this state.

This bill would modify that definition and would also require a nonresident wholesaler to be licensed prior to selling, brokering, or distributing dangerous drugs or devices within this state. By subjecting these nonresident wholesalers to these licensure requirements which include, among other things, payment of specified fees, the bill would increase that part of the revenue in the Pharmacy Board Contingent Fund that is continuously appropriated and would thereby make an appropriation.

Existing law requires a pharmacy or pharmacist who is in charge of or manages a pharmacy to notify the board within 30 days of termination of employment of the pharmacist-in-charge or acting as manager, and provides that a violation of this provision is grounds for disciplinary action.

This bill would instead provide that failure by a pharmacist-in-charge or a pharmacy to notify the board in writing that the pharmacist-in-charge has ceased to act as pharmacist-in-charge within

30 days constitutes grounds for disciplinary action, and would also provide that the operation of the pharmacy for more than 30 days without the supervision or management by a pharmacist-in-charge constitutes grounds for disciplinary action. The bill would revise the definition of a designated representative or designated representative-in-charge, and would define a pharmacist-in-charge.

Existing law makes a nonpharmacist owner of a pharmacy who commits acts that would subvert or tend to subvert the efforts of a pharmacist-in-charge to comply with the Pharmacy Law guilty of a misdemeanor.

This bill would apply this provision to any pharmacy owner.

The bill would require the board, during a declared federal, state, or local emergency, to allow for the employment of a mobile pharmacy in impacted areas under specified conditions, and would authorize the board to allow the temporary use of a mobile pharmacy when a pharmacy is destroyed or damaged under specified conditions. The bill would authorize the board, if a pharmacy fails to provide documentation substantiating continuing education requirements as part of a board investigation or audit, to cancel an active pharmacy license and issue an inactive pharmacy license, and would allow a pharmacy to reobtain an active pharmacy license if it meets specified requirements.

Because this bill would impose new requirements and prohibitions under the Pharmacy Law, the knowing violation of which would be a crime, it would impose a state-mandated local program.

Existing law requires pharmacies to provide information regarding certain controlled substances prescriptions to the Department of Justice on a weekly basis.

This bill would also require a clinic to provide this information to the Department of Justice on a weekly basis.

(11) Existing law, the Veterinary Medicine Practice Act, provides for the licensure and regulation of veterinarians by the Veterinary Medical Board. Existing law prohibits the disclosure of information about an animal receiving veterinary services, the client responsible for that animal, or the veterinary care provided to an animal, except under specified circumstances, including, but not limited to, as may be required to ensure compliance with any federal, state, county, or city law or regulation.

This bill would specify that such disclosure is prohibited except as may be required to ensure compliance with the California Public Records Act.

(12) Existing law provides for the licensure and regulation of educational psychologists, clinical social workers, and marriage and family therapists by the Board of Behavioral Sciences. Existing law generally provides for a system of citations and fines that are applicable to healing arts licensees.

This bill would prohibit the board from publishing on the Internet final determinations of a citation and fine of \$1,500 or less for more than 5 years from the date of issuance of the citation.

(13) Existing law provides for the licensure and regulation of accountants by the California Board of Accountancy in the Department of Consumer Affairs. Existing law requires an applicant for the certified public accountant license to comply with certain education, examination, and experience requirements under one of 2 provisions that set forth different standards, commonly referred to as the 2 “pathways.” Existing law, under the first pathway, requires completion of a baccalaureate or higher degree conferred by a college or university with completion of at least 24 semester units in accounting and 24 semester units in business related subjects, board exam passage, and 2 years of qualifying experience. Existing law, under the 2nd pathway, imposes the same educational and examination requirements as the first pathway, but also requires proof of completion of at least 150 semester units, and instead accepts one year of qualifying experience.

This bill would make the first pathway inoperative as of January 1, 2014, except in certain circumstances, and would, on and after that date, with respect to the second pathway, require the 150 units to include 10 units of ethics study, as defined, and 20 units of accounting study, as defined. The bill would create the Advisory Committee on Accounting Ethics within the jurisdiction of the board to be composed of 11 members, as specified, and would require the committee to, on or before January 1, 2012, recommend guidelines for the ethics study requirement to the board. The bill would require the board to adopt those recommendations by January 31, 2013, and would also require the board to adopt guidelines for the accounting study requirement by January 1, 2012, as specified. The bill would also require the board to, by September 1, 2010, hold a hearing on a specified report by the California Research Bureau and to, at the hearing, make recommendations on ensuring the relevancy of accountancy education to the modern practice of accounting, as specified. The bill would enact other related provisions.

Existing law allows an out-of-state accountant to engage in the practice of accountancy in this state without obtaining a certificate or license if the individual has practiced for at least 4 of the last 10 years, the individual is licensed in another state deemed substantially equivalent to this state under the 2nd pathway, or the individual's qualifications are determined to be substantially equivalent to this state's qualifications under the 2nd pathway. Existing law provides for the repeal of these provisions on January 1, 2011.

This bill would delete the January 1, 2011, repeal date for those provisions, thereby making them operative indefinitely.

~~(13)–~~

(14) Existing law, the Professional Fiduciaries Act, provides for the licensure and regulation of professional fiduciaries by the Professional Fiduciaries Bureau until July 1, 2011. Existing law also requires applicants to provide certain boards and bureaus with a full set of fingerprints for the purpose of conducting criminal history record checks. Existing law requires licensees to file and the bureau to maintain certain information in each licensee's file, including whether the licensee has ever been removed as a fiduciary by a court for breach of trust committed intentionally, with gross negligence, in bad faith, or with reckless indifference, or demonstrated a pattern of negligent conduct, as specified.

This bill would require the bureau to disclose on the Internet information on its licensees and would require applicants to the bureau to comply with that fingerprint requirement. The bill would require licensees to file and the bureau to maintain information regarding whether the licensee has ever been removed for cause or resigned as a conservator, guardian, trustee, or personal representative, as well as various other details relating to that removal or resignation. The bill would also make a conforming change.

~~(14)–~~

(15) Existing law provides a comprehensive scheme for the certification and regulation of interior designers. Under existing law, a stamp from an interior design organization certifies that an interior designer has passed a specified examination and that he or she has met certain other education or experience requirements, such as a combination of interior design education and diversified interior design experience that together total at least 8 years.

This bill would revise that provision by specifying that an interior designer may meet these requirements by having at least 8 years of

interior design education, or at least 8 years of diversified interior design experience, or a combination of interior design education and diversified interior design experience that together total at least 8 years.

~~(15)–~~

(16) Existing law provides for the registration of professional engineers and the licensure of land surveyors by the Board for Professional Engineers and Land Surveyors. Under existing law, in determining the qualifications of an applicant for registration or licensure, a majority vote of the board is required.

This bill would delete that majority vote requirement.

~~(16)–~~

(17) Existing law, the Funeral Directors and Embalmers Law, provides for the licensure and regulation of funeral establishments and directors by the Cemetery and Funeral Bureau. Under existing law, every funeral establishment holding a funeral director's license on December 31, 1996, shall, upon application and payment of fees for renewal, be issued a funeral establishment license.

This bill would delete that provision.

~~(17)–~~

(18) Existing law creates the Transcript Reimbursement Fund, with revenues in the fund to be available to provide shorthand reporting services to low-income litigants in civil cases. Existing law requires all unencumbered funds remaining in the Transcript Reimbursement Fund as of June 29, 2009, to be transferred to the Court Reporters' Fund, and repeals these provisions on January 1, 2011.

This bill would instead provide for the transfer of those unencumbered funds on January 1, 2011.

~~(18)–~~

(19) Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, pursuant to which medical benefits are provided to public assistance recipients and certain other low-income persons. Existing law provides that federally qualified health center services and rural health clinic services, as defined, are covered benefits under the Medi-Cal program, to be reimbursed, to the extent that federal financial participation is obtained, to providers on a per-visit basis. For those purposes, a "visit" is defined as a face-to-face encounter between a patient of a federally qualified health center or a rural health clinic and a "physician," which is defined to include a medical doctor, osteopath, podiatrist, dentist, optometrist, and chiropractor.

This bill would instead provide that the term “physician” includes a physician and surgeon, podiatrist, dentist, optometrist, and chiropractor.

~~(19)–~~

(20) This bill would incorporate additional changes to Sections 27 and 146 of the Business and Professions Code, proposed by AB 48, to be operative only if AB 48 and this bill are both chaptered and become effective on or before January 1, 2010, and this bill is chaptered last.

The bill would incorporate additional changes to Sections 101 and 149 of the Business and Professions Code, proposed by AB 20 of the 2009–10 Fourth Extraordinary Session, AB 48, and AB 1535, to be operative only if this bill and one, two, or all three other bills are chaptered and become effective on or before January 1, 2010, and this bill is chaptered last.

The bill would incorporate additional changes to Section 800 of the Business and Professions Code, proposed by SB 820, to be operative only if both bills are both chaptered and become effective on or before January 1, 2010, and this bill is chaptered last.

This bill would incorporate additional changes to Sections 2570.5, 2570.6, 2570.7, and 7616 of the Business and Professions Code proposed by both this bill and SB 821, to be operative only if SB 821 and this bill are both chaptered and become effective on or before January 1, 2010, and this bill is chaptered last.

This bill would incorporate additional changes to Sections 3635 and 3636 of the Business and Professions Code proposed by both this bill and AB 20 of the 2009–10 Fourth Extraordinary Session, to be operative only if AB 20 of the 2009–10 Fourth Extraordinary Session and this bill are both chaptered and become effective on or before January 1, 2010, and this bill is chaptered last.

The bill would incorporate additional changes to Sections 4040 and 4076 of the Business and Professions Code, proposed by SB 470, to be operative only if SB 470 and this bill are both chaptered and become effective on or before January 1, 2010, and this bill is chaptered last.

The bill would incorporate additional changes to Section 4110 of the Business and Professions Code, proposed by AB 1071, to be operative only if AB 1071 and this bill are both chaptered and become effective on or before January 1, 2010, and this bill is chaptered last.

~~(20)–~~

(21) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~(21)–~~

(22) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 27 of the Business and Professions Code
2 is amended to read:

3 27. (a) Every entity specified in subdivision (b) shall provide
4 on the Internet information regarding the status of every license
5 issued by that entity in accordance with the California Public
6 Records Act (Chapter 3.5 (commencing with Section 6250) of
7 Division 7 of Title 1 of the Government Code) and the Information
8 Practices Act of 1977 (Chapter 1 (commencing with Section 1798)
9 of Title 1.8 of Part 4 of Division 3 of the Civil Code). The public
10 information to be provided on the Internet shall include information
11 on suspensions and revocations of licenses issued by the entity
12 and other related enforcement action taken by the entity relative
13 to persons, businesses, or facilities subject to licensure or regulation
14 by the entity. In providing information on the Internet, each entity
15 shall comply with the Department of Consumer Affairs Guidelines
16 for Access to Public Records. The information may not include
17 personal information, including home telephone number, date of
18 birth, or social security number. Each entity shall disclose a
19 licensee's address of record. However, each entity shall allow a
20 licensee to provide a post office box number or other alternate
21 address, instead of his or her home address, as the address of
22 record. This section shall not preclude an entity from also requiring
23 a licensee, who has provided a post office box number or other
24 alternative mailing address as his or her address of record, to
25 provide a physical business address or residence address only for
26 the entity's internal administrative use and not for disclosure as
27 the licensee's address of record or disclosure on the Internet.

28 (b) Each of the following entities within the Department of
29 Consumer Affairs shall comply with the requirements of this
30 section:

1 (1) The Acupuncture Board shall disclose information on its
2 licensees.

3 (2) The Board of Behavioral Sciences shall disclose information
4 on its licensees, including marriage and family therapists, licensed
5 clinical social workers, and licensed educational psychologists.

6 (3) The Dental Board of California shall disclose information
7 on its licensees.

8 (4) The State Board of Optometry shall disclose information
9 regarding certificates of registration to practice optometry,
10 statements of licensure, optometric corporation registrations, branch
11 office licenses, and fictitious name permits of its licensees.

12 (5) The Board for Professional Engineers and Land Surveyors
13 shall disclose information on its registrants and licensees.

14 (6) The Structural Pest Control Board shall disclose information
15 on its licensees, including applicators, field representatives, and
16 operators in the areas of fumigation, general pest and wood
17 destroying pests and organisms, and wood roof cleaning and
18 treatment.

19 (7) The Bureau of Automotive Repair shall disclose information
20 on its licensees, including auto repair dealers, smog stations, lamp
21 and brake stations, smog check technicians, and smog inspection
22 certification stations.

23 (8) The Bureau of Electronic and Appliance Repair shall disclose
24 information on its licensees, including major appliance repair
25 dealers, combination dealers (electronic and appliance), electronic
26 repair dealers, service contract sellers, and service contract
27 administrators.

28 (9) The Cemetery and Funeral Bureau shall disclose information
29 on its licensees, including cemetery brokers, cemetery salespersons,
30 cemetery managers, crematory managers, cemetery authorities,
31 crematories, cremated remains disposers, embalmers, funeral
32 establishments, and funeral directors.

33 (10) The Professional Fiduciaries Bureau shall disclose
34 information on its licensees.

35 (11) The Contractors' State License Board shall disclose
36 information on its licensees in accordance with Chapter 9
37 (commencing with Section 7000) of Division 3. In addition to
38 information related to licenses as specified in subdivision (a), the
39 board shall also disclose information provided to the board by the
40 Labor Commissioner pursuant to Section 98.9 of the Labor Code.

1 (12) The Board of Psychology shall disclose information on its
2 licensees, including psychologists, psychological assistants, and
3 registered psychologists.

4 (c) “Internet” for the purposes of this section has the meaning
5 set forth in paragraph (6) of subdivision (e) of Section 17538.

6 SEC. 1.5. Section 27 of the Business and Professions Code is
7 amended to read:

8 27. (a) Each entity specified in subdivision (b) shall provide
9 on the Internet information regarding the status of every license
10 issued by that entity in accordance with the California Public
11 Records Act (Chapter 3.5 (commencing with Section 6250) of
12 Division 7 of Title 1 of the Government Code) and the Information
13 Practices Act of 1977 (Chapter 1 (commencing with Section 1798)
14 of Title 1.8 of Part 4 of Division 3 of the Civil Code). The public
15 information to be provided on the Internet shall include information
16 on suspensions and revocations of licenses issued by the entity
17 and other related enforcement action taken by the entity relative
18 to persons, businesses, or facilities subject to licensure or regulation
19 by the entity. In providing information on the Internet, each entity
20 shall comply with the Department of Consumer Affairs Guidelines
21 for Access to Public Records. The information may not include
22 personal information, including home telephone number, date of
23 birth, or social security number. Each entity shall disclose a
24 licensee’s address of record. However, each entity shall allow a
25 licensee to provide a post office box number or other alternate
26 address, instead of his or her home address, as the address of
27 record. This section shall not preclude an entity from also requiring
28 a licensee, who has provided a post office box number or other
29 alternative mailing address as his or her address of record, to
30 provide a physical business address or residence address only for
31 the entity’s internal administrative use and not for disclosure as
32 the licensee’s address of record or disclosure on the Internet.

33 (b) Each of the following entities within the Department of
34 Consumer Affairs shall comply with the requirements of this
35 section:

36 (1) The Acupuncture Board shall disclose information on its
37 licensees.

38 (2) The Board of Behavioral Sciences shall disclose information
39 on its licensees, including marriage and family therapists, licensed
40 clinical social workers, and licensed educational psychologists.

1 (3) The Dental Board of California shall disclose information
2 on its licensees.

3 (4) The State Board of Optometry shall disclose information
4 regarding certificates of registration to practice optometry,
5 statements of licensure, optometric corporation registrations, branch
6 office licenses, and fictitious name permits of its licensees.

7 (5) The Board for Professional Engineers and Land Surveyors
8 shall disclose information on its registrants and licensees.

9 (6) The Structural Pest Control Board shall disclose information
10 on its licensees, including applicators, field representatives, and
11 operators in the areas of fumigation, general pest and wood
12 destroying pests and organisms, and wood roof cleaning and
13 treatment.

14 (7) The Bureau of Automotive Repair shall disclose information
15 on its licensees, including auto repair dealers, smog stations, lamp
16 and brake stations, smog check technicians, and smog inspection
17 certification stations.

18 (8) The Bureau of Electronic and Appliance Repair shall disclose
19 information on its licensees, including major appliance repair
20 dealers, combination dealers (electronic and appliance), electronic
21 repair dealers, service contract sellers, and service contract
22 administrators.

23 (9) The Cemetery and Funeral Bureau shall disclose information
24 on its licensees, including cemetery brokers, cemetery salespersons,
25 cemetery managers, crematory managers, cemetery authorities,
26 crematories, cremated remains disposers, embalmers, funeral
27 establishments, and funeral directors.

28 (10) The Professional Fiduciaries Bureau shall disclose
29 information on its licensees.

30 (11) The Contractors' State License Board shall disclose
31 information on its licensees in accordance with Chapter 9
32 (commencing with Section 7000) of Division 3. In addition to
33 information related to licenses as specified in subdivision (a), the
34 board shall also disclose information provided to the board by the
35 Labor Commissioner pursuant to Section 98.9 of the Labor Code.

36 (12) The Board of Psychology shall disclose information on its
37 licensees, including psychologists, psychological assistants, and
38 registered psychologists.

39 (13) The Bureau for Private Postsecondary Education shall
40 disclose information on private postsecondary institutions under

1 its jurisdiction, including disclosure of notices to comply issued
2 pursuant to Section 94935 of the Education Code.

3 (c) “Internet” for the purposes of this section has the meaning
4 set forth in paragraph (6) of subdivision (e) of Section 17538.

5 SEC. 2. Section 101 of the Business and Professions Code, as
6 amended by Section 1 of Chapter 31 of the Statutes of 2008, is
7 amended to read:

8 101. The department is comprised of:

- 9 (a) The Dental Board of California.
- 10 (b) The Medical Board of California.
- 11 (c) The State Board of Optometry.
- 12 (d) The California State Board of Pharmacy.
- 13 (e) The Veterinary Medical Board.
- 14 (f) The California Board of Accountancy.
- 15 (g) The California Architects Board.
- 16 (h) The Bureau of Barbering and Cosmetology.
- 17 (i) The Board for Professional Engineers and Land Surveyors.
- 18 (j) The Contractors’ State License Board.
- 19 (k) The Bureau for Private Postsecondary and Vocational
20 Education.
- 21 (l) The Structural Pest Control Board.
- 22 (m) The Bureau of Home Furnishings and Thermal Insulation.
- 23 (n) The Board of Registered Nursing.
- 24 (o) The Board of Behavioral Sciences.
- 25 (p) The State Athletic Commission.
- 26 (q) The Cemetery and Funeral Bureau.
- 27 (r) The State Board of Guide Dogs for the Blind.
- 28 (s) The Bureau of Security and Investigative Services.
- 29 (t) The Court Reporters Board of California.
- 30 (u) The Board of Vocational Nursing and Psychiatric
31 Technicians.
- 32 (v) The Landscape Architects Technical Committee.
- 33 (w) The Bureau of Electronic and Appliance Repair.
- 34 (x) The Division of Investigation.
- 35 (y) The Bureau of Automotive Repair.
- 36 (z) The State Board of Registration for Geologists and
37 Geophysicists.
- 38 (aa) The Respiratory Care Board of California.
- 39 (ab) The Acupuncture Board.
- 40 (ac) The Board of Psychology.

- 1 (ad) The California Board of Podiatric Medicine.
- 2 (ae) The Physical Therapy Board of California.
- 3 (af) The Arbitration Review Program.
- 4 (ag) The Hearing Aid Dispensers Bureau.
- 5 (ah) The Physician Assistant Committee.
- 6 (ai) The Speech-Language Pathology and Audiology Board.
- 7 (aj) The California Board of Occupational Therapy.
- 8 (ak) The Osteopathic Medical Board of California.
- 9 (al) The Bureau of Naturopathic Medicine.
- 10 (am) The Dental Hygiene Committee of California.
- 11 (an) The Professional Fiduciaries Bureau.
- 12 (ao) Any other boards, offices, or officers subject to its
- 13 jurisdiction by law.
- 14 SEC. 2.2. Section 101 of the Business and Professions Code,
- 15 as amended by Section 1 of Chapter 31 of the Statutes of 2008, is
- 16 amended to read:
- 17 101. The department is comprised of:
- 18 (a) The Dental Board of California.
- 19 (b) The Medical Board of California.
- 20 (c) The State Board of Optometry.
- 21 (d) The California State Board of Pharmacy.
- 22 (e) The Veterinary Medical Board.
- 23 (f) The California Board of Accountancy.
- 24 (g) The California Architects Board.
- 25 (h) The Bureau of Barbering and Cosmetology.
- 26 (i) The Board for Professional Engineers and Land Surveyors.
- 27 (j) The Contractors' State License Board.
- 28 (k) The Bureau for Private Postsecondary and Vocational
- 29 Education.
- 30 (l) The Bureau of Electronic and Appliance Repair, Home
- 31 Furnishings, and Thermal Insulation.
- 32 (m) The Board of Registered Nursing.
- 33 (n) The Board of Behavioral Sciences.
- 34 (o) The State Athletic Commission.
- 35 (p) The Cemetery and Funeral Bureau.
- 36 (q) The State Board of Guide Dogs for the Blind.
- 37 (r) The Bureau of Security and Investigative Services.
- 38 (s) The Court Reporters Board of California.
- 39 (t) The Board of Vocational Nursing and Psychiatric
- 40 Technicians.

- 1 (u) The Landscape Architects Technical Committee.
- 2 (v) The Division of Investigation.
- 3 (w) The Bureau of Automotive Repair.
- 4 (x) The Respiratory Care Board of California.
- 5 (y) The Acupuncture Board.
- 6 (z) The Board of Psychology.
- 7 (aa) The California Board of Podiatric Medicine.
- 8 (ab) The Physical Therapy Board of California.
- 9 (ac) The Arbitration Review Program.
- 10 (ad) The Hearing Aid Dispensers Bureau.
- 11 (ae) The Physician Assistant Committee.
- 12 (af) The Speech-Language Pathology and Audiology Board.
- 13 (ag) The California Board of Occupational Therapy.
- 14 (ah) The Osteopathic Medical Board of California.
- 15 (ai) The Naturopathic Medicine Committee.
- 16 (aj) The Dental Hygiene Committee of California.
- 17 (ak) The Professional Fiduciaries Bureau.
- 18 (al) Any other boards, offices, or officers subject to its
- 19 jurisdiction by law.

20 SEC. 2.4. Section 101 of the Business and Professions Code,
21 as amended by Section 1 of Chapter 31 of the Statutes of 2008, is
22 amended to read:

- 23 101. The department is comprised of:
- 24 (a) The Dental Board of California.
 - 25 (b) The Medical Board of California.
 - 26 (c) The State Board of Optometry.
 - 27 (d) The California State Board of Pharmacy.
 - 28 (e) The Veterinary Medical Board.
 - 29 (f) The California Board of Accountancy.
 - 30 (g) The California Architects Board.
 - 31 (h) The Bureau of Barbering and Cosmetology.
 - 32 (i) The Board for Professional Engineers and Land Surveyors.
 - 33 (j) The Contractors' State License Board.
 - 34 (k) The Bureau for Private Postsecondary Education.
 - 35 (l) The Bureau of Electronic and Appliance Repair, Home
 - 36 Furnishings, and Thermal Insulation.
 - 37 (m) The Board of Registered Nursing.
 - 38 (n) The Board of Behavioral Sciences.
 - 39 (o) The State Athletic Commission.
 - 40 (p) The Cemetery and Funeral Bureau.

- 1 (q) The State Board of Guide Dogs for the Blind.
- 2 (r) The Bureau of Security and Investigative Services.
- 3 (s) The Court Reporters Board of California.
- 4 (t) The Board of Vocational Nursing and Psychiatric
- 5 Technicians.
- 6 (u) The Landscape Architects Technical Committee.
- 7 (v) The Division of Investigation.
- 8 (w) The Bureau of Automotive Repair.
- 9 (x) The Respiratory Care Board of California.
- 10 (y) The Acupuncture Board.
- 11 (z) The Board of Psychology.
- 12 (aa) The California Board of Podiatric Medicine.
- 13 (ab) The Physical Therapy Board of California.
- 14 (ac) The Arbitration Review Program.
- 15 (ad) The Hearing Aid Dispensers Bureau.
- 16 (ae) The Physician Assistant Committee.
- 17 (af) The Speech-Language Pathology and Audiology Board.
- 18 (ag) The California Board of Occupational Therapy.
- 19 (ah) The Osteopathic Medical Board of California.
- 20 (ai) The Naturopathic Medicine Committee.
- 21 (aj) The Dental Hygiene Committee of California.
- 22 (ak) The Professional Fiduciaries Bureau.
- 23 (al) Any other boards, offices, or officers subject to its
- 24 jurisdiction by law.
- 25 SEC. 2.6. Section 101 of the Business and Professions Code,
- 26 as amended by Section 1 of Chapter 31 of the Statutes of 2008, is
- 27 amended to read:
- 28 101. The department is comprised of:
- 29 (a) The Dental Board of California.
- 30 (b) The Medical Board of California.
- 31 (c) The State Board of Optometry.
- 32 (d) The California State Board of Pharmacy.
- 33 (e) The Veterinary Medical Board.
- 34 (f) The California Board of Accountancy.
- 35 (g) The California Architects Board.
- 36 (h) The Bureau of Barbering and Cosmetology.
- 37 (i) The Board for Professional Engineers and Land Surveyors.
- 38 (j) The Contractors' State License Board.
- 39 (k) The Bureau for Private Postsecondary and Vocational
- 40 Education.

- 1 (l) The Bureau of Electronic and Appliance Repair, Home
- 2 Furnishings, and Thermal Insulation.
- 3 (m) The Board of Registered Nursing.
- 4 (n) The Board of Behavioral Sciences.
- 5 (o) The State Athletic Commission.
- 6 (p) The Cemetery and Funeral Bureau.
- 7 (q) The State Board of Guide Dogs for the Blind.
- 8 (r) The Bureau of Security and Investigative Services.
- 9 (s) The Court Reporters Board of California.
- 10 (t) The Board of Vocational Nursing and Psychiatric
- 11 Technicians.
- 12 (u) The Landscape Architects Technical Committee.
- 13 (v) The Division of Investigation.
- 14 (w) The Bureau of Automotive Repair.
- 15 (x) The Respiratory Care Board of California.
- 16 (y) The Acupuncture Board.
- 17 (z) The Board of Psychology.
- 18 (aa) The California Board of Podiatric Medicine.
- 19 (ab) The Physical Therapy Board of California.
- 20 (ac) The Arbitration Review Program.
- 21 (ad) The Physician Assistant Committee.
- 22 (ae) The Speech-Language Pathology and Audiology and
- 23 Hearing Aid Dispensers Board.
- 24 (af) The California Board of Occupational Therapy.
- 25 (ag) The Osteopathic Medical Board of California.
- 26 (ah) The Naturopathic Medicine Committee.
- 27 (ai) The Dental Hygiene Committee of California.
- 28 (aj) The Professional Fiduciaries Bureau.
- 29 (ak) Any other boards, offices, or officers subject to its
- 30 jurisdiction by law.
- 31 SEC. 2.8. Section 101 of the Business and Professions Code,
- 32 as amended by Section 1 of Chapter 31 of the Statutes of 2008, is
- 33 amended to read:
- 34 101. The department is comprised of:
- 35 (a) The Dental Board of California.
- 36 (b) The Medical Board of California.
- 37 (c) The State Board of Optometry.
- 38 (d) The California State Board of Pharmacy.
- 39 (e) The Veterinary Medical Board.
- 40 (f) The California Board of Accountancy.

- 1 (g) The California Architects Board.
- 2 (h) The Bureau of Barbering and Cosmetology.
- 3 (i) The Board for Professional Engineers and Land Surveyors.
- 4 (j) The Contractors' State License Board.
- 5 (k) The Bureau for Private Postsecondary Education.
- 6 (l) The Bureau of Electronic and Appliance Repair, Home
- 7 Furnishings, and Thermal Insulation.
- 8 (m) The Board of Registered Nursing.
- 9 (n) The Board of Behavioral Sciences.
- 10 (o) The State Athletic Commission.
- 11 (p) The Cemetery and Funeral Bureau.
- 12 (q) The State Board of Guide Dogs for the Blind.
- 13 (r) The Bureau of Security and Investigative Services.
- 14 (s) The Court Reporters Board of California.
- 15 (t) The Board of Vocational Nursing and Psychiatric
- 16 Technicians.
- 17 (u) The Landscape Architects Technical Committee.
- 18 (v) The Division of Investigation.
- 19 (w) The Bureau of Automotive Repair.
- 20 (x) The Respiratory Care Board of California.
- 21 (y) The Acupuncture Board.
- 22 (z) The Board of Psychology.
- 23 (aa) The California Board of Podiatric Medicine.
- 24 (ab) The Physical Therapy Board of California.
- 25 (ac) The Arbitration Review Program.
- 26 (ad) The Physician Assistant Committee.
- 27 (ae) The Speech-Language Pathology and Audiology and
- 28 Hearing Aid Dispensers Board.
- 29 (af) The California Board of Occupational Therapy.
- 30 (ag) The Osteopathic Medical Board of California.
- 31 (ah) The Naturopathic Medicine Committee.
- 32 (ai) The Dental Hygiene Committee of California.
- 33 (aj) The Professional Fiduciaries Bureau.
- 34 (ak) Any other boards, offices, or officers subject to its
- 35 jurisdiction by law.
- 36 SEC. 3. Section 128.5 of the Business and Professions Code
- 37 is amended to read:
- 38 128.5. (a) Notwithstanding any other provision of law, if at
- 39 the end of any fiscal year, an agency within the Department of
- 40 Consumer Affairs, except the agencies referred to in subdivision

(b), has unencumbered funds in an amount that equals or is more than the agency's operating budget for the next two fiscal years, the agency shall reduce license or other fees, whether the license or other fees be fixed by statute or may be determined by the agency within limits fixed by statute, during the following fiscal year in an amount that will reduce any surplus funds of the agency to an amount less than the agency's operating budget for the next two fiscal years.

(b) Notwithstanding any other provision of law, if at the end of any fiscal year, the California Architects Board, the Board of Behavioral Sciences, the Veterinary Medical Board, the Court Reporters Board of California, the Medical Board of California, the Board of Vocational Nursing and Psychiatric Technicians, or the Bureau of Security and Investigative Services has unencumbered funds in an amount that equals or is more than the agency's operating budget for the next two fiscal years, the agency shall reduce license or other fees, whether the license or other fees be fixed by statute or may be determined by the agency within limits fixed by statute, during the following fiscal year in an amount that will reduce any surplus funds of the agency to an amount less than the agency's operating budget for the next two fiscal years.

SEC. 4. Section 144 of the Business and Professions Code is amended to read:

144. (a) Notwithstanding any other provision of law, an agency designated in subdivision (b) shall require an applicant to furnish to the agency a full set of fingerprints for purposes of conducting criminal history record checks. Any agency designated in subdivision (b) may obtain and receive, at its discretion, criminal history information from the Department of Justice and the United States Federal Bureau of Investigation.

(b) Subdivision (a) applies to the following:

- (1) California Board of Accountancy.
- (2) State Athletic Commission.
- (3) Board of Behavioral Sciences.
- (4) Court Reporters Board of California.
- (5) State Board of Guide Dogs for the Blind.
- (6) California State Board of Pharmacy.
- (7) Board of Registered Nursing.
- (8) Veterinary Medical Board.
- (9) Registered Veterinary Technician Committee.

- 1 (10) Board of Vocational Nursing and Psychiatric Technicians.
- 2 (11) Respiratory Care Board of California.
- 3 (12) Hearing Aid Dispensers Advisory Commission.
- 4 (13) Physical Therapy Board of California.
- 5 (14) Physician Assistant Committee of the Medical Board of
- 6 California.
- 7 (15) Speech-Language Pathology and Audiology Board.
- 8 (16) Medical Board of California.
- 9 (17) State Board of Optometry.
- 10 (18) Acupuncture Board.
- 11 (19) Cemetery and Funeral Bureau.
- 12 (20) Bureau of Security and Investigative Services.
- 13 (21) Division of Investigation.
- 14 (22) Board of Psychology.
- 15 (23) The California Board of Occupational Therapy.
- 16 (24) Structural Pest Control Board.
- 17 (25) Contractors' State License Board.
- 18 (26) Bureau of Naturopathic Medicine.
- 19 (27) The Professional Fiduciaries Bureau.

20 (c) The provisions of paragraph (24) of subdivision (b) shall
21 become operative on July 1, 2004. The provisions of paragraph
22 (25) of subdivision (b) shall become operative on the date on which
23 sufficient funds are available for the Contractors' State License
24 Board and the Department of Justice to conduct a criminal history
25 record check pursuant to this section or on July 1, 2005, whichever
26 occurs first.

27 SEC. 5. Section 146 of the Business and Professions Code is
28 amended to read:

29 146. (a) Notwithstanding any other provision of law, a
30 violation of any code section listed in subdivision (c) or (d) is an
31 infraction subject to the procedures described in Sections 19.6 and
32 19.7 of the Penal Code when either of the following applies:

33 (1) A complaint or a written notice to appear in court pursuant
34 to Chapter 5C (commencing with Section 853.5) of Title 3 of Part
35 2 of the Penal Code is filed in court charging the offense as an
36 infraction unless the defendant, at the time he or she is arraigned,
37 after being advised of his or her rights, elects to have the case
38 proceed as a misdemeanor.

39 (2) The court, with the consent of the defendant and the
40 prosecution, determines that the offense is an infraction in which

1 event the case shall proceed as if the defendant has been arraigned
2 on an infraction complaint.

3 (b) Subdivision (a) does not apply to a violation of the code
4 sections listed in subdivisions (c) and (d) if the defendant has had
5 his or her license, registration, or certificate previously revoked
6 or suspended.

7 (c) The following sections require registration, licensure,
8 certification, or other authorization in order to engage in certain
9 businesses or professions regulated by this code:

- 10 (1) Sections 2052 and 2054.
- 11 (2) Section 2630.
- 12 (3) Section 2903.
- 13 (4) Section 3660.
- 14 (5) Sections 3760 and 3761.
- 15 (6) Section 4080.
- 16 (7) Section 4825.
- 17 (8) Section 4935.
- 18 (9) Section 4980.
- 19 (10) Section 4996.
- 20 (11) Section 5536.
- 21 (12) Section 6704.
- 22 (13) Section 6980.10.
- 23 (14) Section 7317.
- 24 (15) Section 7502 or 7592.
- 25 (16) Section 7520.
- 26 (17) Section 7617 or 7641.
- 27 (18) Subdivision (a) of Section 7872.
- 28 (19) Section 8016.
- 29 (20) Section 8505.
- 30 (21) Section 8725.
- 31 (22) Section 9681.
- 32 (23) Section 9840.
- 33 (24) Subdivision (c) of Section 9891.24.
- 34 (25) Section 19049.

35 (d) Institutions that are required to register with the Bureau for
36 Private Postsecondary and Vocational Education pursuant to
37 Section 94931 of the Education Code.

38 (e) Notwithstanding any other provision of law, a violation of
39 any of the sections listed in subdivision (c) or (d), which is an
40 infraction, is punishable by a fine of not less than two hundred

1 fifty dollars (\$250) and not more than one thousand dollars
2 (\$1,000). No portion of the minimum fine may be suspended by
3 the court unless as a condition of that suspension the defendant is
4 required to submit proof of a current valid license, registration, or
5 certificate for the profession or vocation the absence of which was
6 the basis for his or her conviction.

7 SEC. 5.5. Section 146 of the Business and Professions Code
8 is amended to read:

9 146. (a) Notwithstanding any other provision of law, a
10 violation of any code section listed in subdivision (c) is an
11 infraction subject to the procedures described in Sections 19.6 and
12 19.7 of the Penal Code when either of the following applies:

13 (1) A complaint or a written notice to appear in court pursuant
14 to Chapter 5C (commencing with Section 853.5) of Title 3 of Part
15 2 of the Penal Code is filed in court charging the offense as an
16 infraction, unless the defendant, at the time he or she is arraigned,
17 after being advised of his or her rights, elects to have the case
18 proceed as a misdemeanor.

19 (2) The court, with the consent of the defendant and the
20 prosecution, determines that the offense is an infraction in which
21 event the case shall proceed as if the defendant has been arraigned
22 on an infraction complaint.

23 (b) Subdivision (a) does not apply to a violation of the code
24 sections listed in subdivision (c) if the defendant has had his or
25 her license, registration, or certificate previously revoked or
26 suspended.

27 (c) The following sections require registration, licensure,
28 certification, or other authorization in order to engage in certain
29 businesses or professions regulated by this code:

30 (1) Sections 2052 and 2054.

31 (2) Section 2630.

32 (3) Section 2903.

33 (4) Section 3660.

34 (5) Sections 3760 and 3761.

35 (6) Section 4080.

36 (7) Section 4825.

37 (8) Section 4935.

38 (9) Section 4980.

39 (10) Section 4996.

40 (11) Section 5536.

- 1 (12) Section 6704.
- 2 (13) Section 6980.10.
- 3 (14) Section 7317.
- 4 (15) Section 7502 or 7592.
- 5 (16) Section 7520.
- 6 (17) Section 7617 or 7641.
- 7 (18) Subdivision (a) of Section 7872.
- 8 (19) Section 8016.
- 9 (20) Section 8505.
- 10 (21) Section 8725.
- 11 (22) Section 9681.
- 12 (23) Section 9840.
- 13 (24) Subdivision (c) of Section 9891.24.
- 14 (25) Section 19049.

15 (d) Notwithstanding any other provision of law, a violation of
16 any of the sections listed in subdivision (c), which is an infraction,
17 is punishable by a fine of not less than two hundred fifty dollars
18 (\$250) and not more than one thousand dollars (\$1,000). No portion
19 of the minimum fine may be suspended by the court unless as a
20 condition of that suspension the defendant is required to submit
21 proof of a current valid license, registration, or certificate for the
22 profession or vocation the absence of which was the basis for his
23 or her conviction.

24 SEC. 6. Section 149 of the Business and Professions Code is
25 amended to read:

26 149. (a) If, upon investigation, an agency designated in
27 subdivision (e) has probable cause to believe that a person is
28 advertising in a telephone directory with respect to the offering or
29 performance of services, without being properly licensed by or
30 registered with the agency to offer or perform those services, the
31 agency may issue a citation under Section 148 containing an order
32 of correction that requires the violator to do both of the following:

33 (1) Cease the unlawful advertising.

34 (2) Notify the telephone company furnishing services to the
35 violator to disconnect the telephone service furnished to any
36 telephone number contained in the unlawful advertising.

37 (b) This action is stayed if the person to whom a citation is
38 issued under subdivision (a) notifies the agency in writing that he
39 or she intends to contest the citation. The agency shall afford an
40 opportunity for a hearing, as specified in Section 125.9.

(c) If the person to whom a citation and order of correction is issued under subdivision (a) fails to comply with the order of correction after that order is final, the agency shall inform the Public Utilities Commission of the violation and the Public Utilities Commission shall require the telephone corporation furnishing services to that person to disconnect the telephone service furnished to any telephone number contained in the unlawful advertising.

(d) The good faith compliance by a telephone corporation with an order of the Public Utilities Commission to terminate service issued pursuant to this section shall constitute a complete defense to any civil or criminal action brought against the telephone corporation arising from the termination of service.

(e) Subdivision (a) shall apply to the following boards, bureaus, committees, commissions, or programs:

- (1) The Bureau of Barbering and Cosmetology.
- (2) The Funeral Directors and Embalmers Program.
- (3) The Veterinary Medical Board.
- (4) The Hearing Aid Dispensers Advisory Commission.
- (5) The Landscape Architects Technical Committee.
- (6) The California Board of Podiatric Medicine.
- (7) The Respiratory Care Board of California.
- (8) The Bureau of Home Furnishings and Thermal Insulation.
- (9) The Bureau of Security and Investigative Services.
- (10) The Bureau of Electronic and Appliance Repair.
- (11) The Bureau of Automotive Repair.
- (12) The Tax Preparers Program.
- (13) The California Architects Board.
- (14) The Speech-Language Pathology and Audiology Board.
- (15) The Board for Professional Engineers and Land Surveyors.
- (16) The Board of Behavioral Sciences.
- (17) The State Board for Geologists and Geophysicists.
- (18) The Structural Pest Control Board.
- (19) The Acupuncture Board.
- (20) The Board of Psychology.
- (21) The California Board of Accountancy.
- (22) The Bureau of Naturopathic Medicine.
- (23) The Physical Therapy Board of California.

SEC. 6.2. Section 149 of the Business and Professions Code is amended to read:

1 149. (a) If, upon investigation, an agency designated in
2 subdivision (e) has probable cause to believe that a person is
3 advertising in a telephone directory with respect to the offering or
4 performance of services, without being properly licensed by or
5 registered with the agency to offer or perform those services, the
6 agency may issue a citation under Section 148 containing an order
7 of correction that requires the violator to do both of the following:

8 (1) Cease the unlawful advertising.

9 (2) Notify the telephone company furnishing services to the
10 violator to disconnect the telephone service furnished to any
11 telephone number contained in the unlawful advertising.

12 (b) This action is stayed if the person to whom a citation is
13 issued under subdivision (a) notifies the agency in writing that he
14 or she intends to contest the citation. The agency shall afford an
15 opportunity for a hearing, as specified in Section 125.9.

16 (c) If the person to whom a citation and order of correction is
17 issued under subdivision (a) fails to comply with the order of
18 correction after that order is final, the agency shall inform the
19 Public Utilities Commission of the violation and the Public Utilities
20 Commission shall require the telephone corporation furnishing
21 services to that person to disconnect the telephone service furnished
22 to any telephone number contained in the unlawful advertising.

23 (d) The good faith compliance by a telephone corporation with
24 an order of the Public Utilities Commission to terminate service
25 issued pursuant to this section shall constitute a complete defense
26 to any civil or criminal action brought against the telephone
27 corporation arising from the termination of service.

28 (e) Subdivision (a) shall apply to the following boards, bureaus,
29 committees, commissions, or programs:

30 (1) The Bureau of Barbering and Cosmetology.

31 (2) The Cemetery and Funeral Bureau.

32 (3) The Veterinary Medical Board.

33 (4) The Hearing Aid Dispensers Advisory Committee.

34 (5) The Landscape Architects Technical Committee.

35 (6) The California Board of Podiatric Medicine.

36 (7) The Respiratory Care Board of California.

37 (8) The Bureau of Electronic and Appliance Repair, Home
38 Furnishings, and Thermal Insulation.

39 (9) The Bureau of Security and Investigative Services.

40 (10) The Bureau of Automotive Repair.

- 1 (11) The California Architects Board.
- 2 (12) The Speech-Language Pathology and Audiology Board.
- 3 (13) The Board for Professional Engineers and Land Surveyors.
- 4 (14) The Board of Behavioral Sciences.
- 5 (15) The Structural Pest Control Board within the Department
- 6 of Pesticide Regulation.
- 7 (16) The Acupuncture Board.
- 8 (17) The Board of Psychology.
- 9 (18) The California Board of Accountancy.
- 10 (19) The Naturopathic Medicine Committee.
- 11 (20) The Physical Therapy Board of California.

12 SEC. 6.4. Section 149 of the Business and Professions Code
13 is amended to read:

14 149. (a) If, upon investigation, an agency designated in
15 subdivision (e) has probable cause to believe that a person is
16 advertising in a telephone directory with respect to the offering or
17 performance of services, without being properly licensed by or
18 registered with the agency to offer or perform those services, the
19 agency may issue a citation under Section 148 containing an order
20 of correction that requires the violator to do both of the following:

- 21 (1) Cease the unlawful advertising.
- 22 (2) Notify the telephone company furnishing services to the
- 23 violator to disconnect the telephone service furnished to any
- 24 telephone number contained in the unlawful advertising.

25 (b) This action is stayed if the person to whom a citation is
26 issued under subdivision (a) notifies the agency in writing that he
27 or she intends to contest the citation. The agency shall afford an
28 opportunity for a hearing, as specified in Section 125.9.

29 (c) If the person to whom a citation and order of correction is
30 issued under subdivision (a) fails to comply with the order of
31 correction after that order is final, the agency shall inform the
32 Public Utilities Commission of the violation and the Public Utilities
33 Commission shall require the telephone corporation furnishing
34 services to that person to disconnect the telephone service furnished
35 to any telephone number contained in the unlawful advertising.

36 (d) The good faith compliance by a telephone corporation with
37 an order of the Public Utilities Commission to terminate service
38 issued pursuant to this section shall constitute a complete defense
39 to any civil or criminal action brought against the telephone
40 corporation arising from the termination of service.

(e) Subdivision (a) shall apply to the following boards, bureaus, committees, commissions, or programs:

- (1) The Bureau of Barbering and Cosmetology.
- (2) The Cemetery and Funeral Bureau.
- (3) The Veterinary Medical Board.
- (4) The Hearing Aid Dispensers Advisory Committee.
- (5) The Landscape Architects Technical Committee.
- (6) The California Board of Podiatric Medicine.
- (7) The Respiratory Care Board of California.
- (8) The Bureau of Electronic and Appliance Repair, Home Furnishings, and Thermal Insulation.
- (9) The Bureau of Security and Investigative Services.
- (10) The Bureau of Automotive Repair.
- (11) The California Architects Board.
- (12) The Speech-Language Pathology and Audiology Board.
- (13) The Board for Professional Engineers and Land Surveyors.
- (14) The Board of Behavioral Sciences.
- (15) The Structural Pest Control Board within the Department of Pesticide Regulation.
- (16) The Acupuncture Board.
- (17) The Board of Psychology.
- (18) The California Board of Accountancy.
- (19) The Naturopathic Medicine Committee.
- (20) The Physical Therapy Board of California.
- (21) The Bureau for Private Postsecondary Education.

SEC. 6.6. Section 149 of the Business and Professions Code is amended to read:

149. (a) If, upon investigation, an agency designated in subdivision (e) has probable cause to believe that a person is advertising in a telephone directory with respect to the offering or performance of services, without being properly licensed by or registered with the agency to offer or perform those services, the agency may issue a citation under Section 148 containing an order of correction that requires the violator to do both of the following:

- (1) Cease the unlawful advertising.
- (2) Notify the telephone company furnishing services to the violator to disconnect the telephone service furnished to any telephone number contained in the unlawful advertising.

(b) This action is stayed if the person to whom a citation is issued under subdivision (a) notifies the agency in writing that he

1 or she intends to contest the citation. The agency shall afford an
2 opportunity for a hearing, as specified in Section 125.9.

3 (c) If the person to whom a citation and order of correction is
4 issued under subdivision (a) fails to comply with the order of
5 correction after that order is final, the agency shall inform the
6 Public Utilities Commission of the violation and the Public Utilities
7 Commission shall require the telephone corporation furnishing
8 services to that person to disconnect the telephone service furnished
9 to any telephone number contained in the unlawful advertising.

10 (d) The good faith compliance by a telephone corporation with
11 an order of the Public Utilities Commission to terminate service
12 issued pursuant to this section shall constitute a complete defense
13 to any civil or criminal action brought against the telephone
14 corporation arising from the termination of service.

15 (e) Subdivision (a) shall apply to the following boards, bureaus,
16 committees, commissions, or programs:

- 17 (1) The Bureau of Barbering and Cosmetology.
- 18 (2) The Cemetery and Funeral Bureau.
- 19 (3) The Veterinary Medical Board.
- 20 (4) The Landscape Architects Technical Committee.
- 21 (5) The California Board of Podiatric Medicine.
- 22 (6) The Respiratory Care Board of California.
- 23 (7) The Bureau of Electronic and Appliance Repair, Home
24 Furnishings, and Thermal Insulation.
- 25 (8) The Bureau of Security and Investigative Services.
- 26 (9) The Bureau of Automotive Repair.
- 27 (10) The California Architects Board.
- 28 (11) The Speech-Language Pathology and Audiology and
29 Hearing Aid Dispensers Board.
- 30 (12) The Board for Professional Engineers and Land Surveyors.
- 31 (13) The Board of Behavioral Sciences.
- 32 (14) The Structural Pest Control Board within the Department
33 of Pesticide Regulation.
- 34 (15) The Acupuncture Board.
- 35 (16) The Board of Psychology.
- 36 (17) The California Board of Accountancy.
- 37 (18) The Naturopathic Medicine Committee.
- 38 (19) The Physical Therapy Board of California.

39 SEC. 6.8. Section 149 of the Business and Professions Code
40 is amended to read:

1 149. (a) If, upon investigation, an agency designated in
2 subdivision (e) has probable cause to believe that a person is
3 advertising in a telephone directory with respect to the offering or
4 performance of services, without being properly licensed by or
5 registered with the agency to offer or perform those services, the
6 agency may issue a citation under Section 148 containing an order
7 of correction that requires the violator to do both of the following:

8 (1) Cease the unlawful advertising.

9 (2) Notify the telephone company furnishing services to the
10 violator to disconnect the telephone service furnished to any
11 telephone number contained in the unlawful advertising.

12 (b) This action is stayed if the person to whom a citation is
13 issued under subdivision (a) notifies the agency in writing that he
14 or she intends to contest the citation. The agency shall afford an
15 opportunity for a hearing, as specified in Section 125.9.

16 (c) If the person to whom a citation and order of correction is
17 issued under subdivision (a) fails to comply with the order of
18 correction after that order is final, the agency shall inform the
19 Public Utilities Commission of the violation and the Public Utilities
20 Commission shall require the telephone corporation furnishing
21 services to that person to disconnect the telephone service furnished
22 to any telephone number contained in the unlawful advertising.

23 (d) The good faith compliance by a telephone corporation with
24 an order of the Public Utilities Commission to terminate service
25 issued pursuant to this section shall constitute a complete defense
26 to any civil or criminal action brought against the telephone
27 corporation arising from the termination of service.

28 (e) Subdivision (a) shall apply to the following boards, bureaus,
29 committees, commissions, or programs:

30 (1) The Bureau of Barbering and Cosmetology.

31 (2) The Cemetery and Funeral Bureau.

32 (3) The Veterinary Medical Board.

33 (4) The Landscape Architects Technical Committee.

34 (5) The California Board of Podiatric Medicine.

35 (6) The Respiratory Care Board of California.

36 (7) The Bureau of Electronic and Appliance Repair, Home
37 Furnishings, and Thermal Insulation.

38 (8) The Bureau of Security and Investigative Services.

39 (9) The Bureau of Automotive Repair.

40 (10) The California Architects Board.

1 (11) The Speech-Language Pathology and Audiology and
2 Hearing Aid Dispensers Board.

3 (12) The Board for Professional Engineers and Land Surveyors.

4 (13) The Board of Behavioral Sciences.

5 (14) The Structural Pest Control Board within the Department
6 of Pesticide Regulation.

7 (15) The Acupuncture Board.

8 (16) The Board of Psychology.

9 (17) The California Board of Accountancy.

10 (18) The Naturopathic Medicine Committee.

11 (19) The Physical Therapy Board of California.

12 (20) The Bureau for Private Postsecondary Education.

13 SEC. 7. Section 683 of the Business and Professions Code is
14 amended to read:

15 683. (a) A board shall report, within 10 working days, to the
16 State Department of Health Care Services the name and license
17 number of a person whose license has been revoked, suspended,
18 surrendered, made inactive by the licensee, or placed in another
19 category that prohibits the licensee from practicing his or her
20 profession. The purpose of the reporting requirement is to prevent
21 reimbursement by the state for Medi-Cal and Denti-Cal services
22 provided after the cancellation of a provider's professional license.

23 (b) "Board," as used in this section, means the Dental Board of
24 California, the Medical Board of California, the Board of
25 Psychology, the State Board of Optometry, the California State
26 Board of Pharmacy, the Osteopathic Medical Board of California,
27 the State Board of Chiropractic Examiners, and the California
28 Board of Occupational Therapy.

29 SEC. 8. Section 733 of the Business and Professions Code is
30 amended to read:

31 733. (a) No licentiate shall obstruct a patient in obtaining a
32 prescription drug or device that has been legally prescribed or
33 ordered for that patient. A violation of this section constitutes
34 unprofessional conduct by the licentiate and shall subject the
35 licentiate to disciplinary or administrative action by his or her
36 licensing agency.

37 (b) Notwithstanding any other provision of law, a licentiate
38 shall dispense drugs and devices, as described in subdivision (a)
39 of Section 4024, pursuant to a lawful order or prescription unless
40 one of the following circumstances exists:

1 (1) Based solely on the licentiate's professional training and
2 judgment, dispensing pursuant to the order or the prescription is
3 contrary to law, or the licentiate determines that the prescribed
4 drug or device would cause a harmful drug interaction or would
5 otherwise adversely affect the patient's medical condition.

6 (2) The prescription drug or device is not in stock. If an order,
7 other than an order described in Section 4019, or prescription
8 cannot be dispensed because the drug or device is not in stock, the
9 licentiate shall take one of the following actions:

10 (A) Immediately notify the patient and arrange for the drug or
11 device to be delivered to the site or directly to the patient in a
12 timely manner.

13 (B) Promptly transfer the prescription to another pharmacy
14 known to stock the prescription drug or device that is near enough
15 to the site from which the prescription or order is transferred, to
16 ensure the patient has timely access to the drug or device.

17 (C) Return the prescription to the patient and refer the patient.
18 The licentiate shall make a reasonable effort to refer the patient to
19 a pharmacy that stocks the prescription drug or device that is near
20 enough to the referring site to ensure that the patient has timely
21 access to the drug or device.

22 (3) The licentiate refuses on ethical, moral, or religious grounds
23 to dispense a drug or device pursuant to an order or prescription.
24 A licentiate may decline to dispense a prescription drug or device
25 on this basis only if the licentiate has previously notified his or
26 her employer, in writing, of the drug or class of drugs to which he
27 or she objects, and the licentiate's employer can, without creating
28 undue hardship, provide a reasonable accommodation of the
29 licentiate's objection. The licentiate's employer shall establish
30 protocols that ensure that the patient has timely access to the
31 prescribed drug or device despite the licentiate's refusal to dispense
32 the prescription or order. For purposes of this section, "reasonable
33 accommodation" and "undue hardship" shall have the same
34 meaning as applied to those terms pursuant to subdivision (l) of
35 Section 12940 of the Government Code.

36 (c) For the purposes of this section, "prescription drug or device"
37 has the same meaning as the definition in Section 4022.

38 (d) The provisions of this section shall apply to the drug therapy
39 described in Section 4052.3.

(e) This section imposes no duty on a licentiate to dispense a drug or device pursuant to a prescription or order without payment for the drug or device, including payment directly by the patient or through a third-party payer accepted by the licentiate or payment of any required copayment by the patient.

(f) The notice to consumers required by Section 4122 shall include a statement that describes patients' rights relative to the requirements of this section.

SEC. 9. Section 800 of the Business and Professions Code is amended to read:

800. (a) The Medical Board of California, the Board of Psychology, the Dental Board of California, the Osteopathic Medical Board of California, the State Board of Chiropractic Examiners, the Board of Registered Nursing, the Board of Vocational Nursing and Psychiatric Technicians, the State Board of Optometry, the Veterinary Medical Board, the Board of Behavioral Sciences, the Physical Therapy Board of California, the California State Board of Pharmacy, the Speech-Language Pathology and Audiology Board, the California Board of Occupational Therapy, and the Acupuncture Board shall each separately create and maintain a central file of the names of all persons who hold a license, certificate, or similar authority from that board. Each central file shall be created and maintained to provide an individual historical record for each licensee with respect to the following information:

(1) Any conviction of a crime in this or any other state that constitutes unprofessional conduct pursuant to the reporting requirements of Section 803.

(2) Any judgment or settlement requiring the licensee or his or her insurer to pay any amount of damages in excess of three thousand dollars (\$3,000) for any claim that injury or death was proximately caused by the licensee's negligence, error or omission in practice, or by rendering unauthorized professional services, pursuant to the reporting requirements of Section 801 or 802.

(3) Any public complaints for which provision is made pursuant to subdivision (b).

(4) Disciplinary information reported pursuant to Section 805.

(b) Each board shall prescribe and promulgate forms on which members of the public and other licensees or certificate holders may file written complaints to the board alleging any act of

1 misconduct in, or connected with, the performance of professional
2 services by the licensee.

3 If a board, or division thereof, a committee, or a panel has failed
4 to act upon a complaint or report within five years, or has found
5 that the complaint or report is without merit, the central file shall
6 be purged of information relating to the complaint or report.

7 Notwithstanding this subdivision, the Board of Psychology, the
8 Board of Behavioral Sciences, and the Respiratory Care Board of
9 California shall maintain complaints or reports as long as each
10 board deems necessary.

11 (c) The contents of any central file that are not public records
12 under any other provision of law shall be confidential except that
13 the licensee involved, or his or her counsel or representative, shall
14 have the right to inspect and have copies made of his or her
15 complete file except for the provision that may disclose the identity
16 of an information source. For the purposes of this section, a board
17 may protect an information source by providing a copy of the
18 material with only those deletions necessary to protect the identity
19 of the source or by providing a comprehensive summary of the
20 substance of the material. Whichever method is used, the board
21 shall ensure that full disclosure is made to the subject of any
22 personal information that could reasonably in any way reflect or
23 convey anything detrimental, disparaging, or threatening to a
24 licensee's reputation, rights, benefits, privileges, or qualifications,
25 or be used by a board to make a determination that would affect
26 a licensee's rights, benefits, privileges, or qualifications. The
27 information required to be disclosed pursuant to Section 803.1
28 shall not be considered among the contents of a central file for the
29 purposes of this subdivision.

30 The licensee may, but is not required to, submit any additional
31 exculpatory or explanatory statement or other information that the
32 board shall include in the central file.

33 Each board may permit any law enforcement or regulatory
34 agency when required for an investigation of unlawful activity or
35 for licensing, certification, or regulatory purposes to inspect and
36 have copies made of that licensee's file, unless the disclosure is
37 otherwise prohibited by law.

38 These disclosures shall effect no change in the confidential status
39 of these records.

1 SEC. 9.5. Section 800 of the Business and Professions Code
2 is amended to read:

3 800. (a) The Medical Board of California, the Board of
4 Psychology, the Dental Board of California, the Osteopathic
5 Medical Board of California, the State Board of Chiropractic
6 Examiners, the Board of Registered Nursing, the Board of
7 Vocational Nursing and Psychiatric Technicians, the State Board
8 of Optometry, the Veterinary Medical Board, the Board of
9 Behavioral Sciences, the Physical Therapy Board of California,
10 the California State Board of Pharmacy, the Speech-Language
11 Pathology and Audiology Board, the California Board of
12 Occupational Therapy, and the Acupuncture Board shall each
13 separately create and maintain a central file of the names of all
14 persons who hold a license, certificate, or similar authority from
15 that board. Each central file shall be created and maintained to
16 provide an individual historical record for each licensee with
17 respect to the following information:

18 (1) Any conviction of a crime in this or any other state that
19 constitutes unprofessional conduct pursuant to the reporting
20 requirements of Section 803.

21 (2) Any judgment or settlement requiring the licensee or his or
22 her insurer to pay any amount of damages in excess of three
23 thousand dollars (\$3,000) for any claim that injury or death was
24 proximately caused by the licensee's negligence, error or omission
25 in practice, or by rendering unauthorized professional services,
26 pursuant to the reporting requirements of Section 801 or 802.

27 (3) Any public complaints for which provision is made pursuant
28 to subdivision (b).

29 (4) Disciplinary information reported pursuant to Section 805,
30 including any additional exculpatory or explanatory statements
31 submitted by the licensee pursuant to subdivision (f) of Section
32 805. If a court finds, in a final judgment, that the peer review
33 resulting in the 805 report was conducted in bad faith and the
34 licensee who is the subject of the report notifies the board of that
35 finding, the board shall include that finding in the central file. For
36 purposes of this paragraph, "peer review" has the same meaning
37 as defined in Section 805.

38 (5) Information reported pursuant to Section 805.01, including
39 any explanatory or exculpatory information submitted by the
40 licensee pursuant to subdivision (b) of Section 805.01.

1 (b) Each board shall prescribe and promulgate forms on which
2 members of the public and other licensees or certificate holders
3 may file written complaints to the board alleging any act of
4 misconduct in, or connected with, the performance of professional
5 services by the licensee.

6 If a board, or division thereof, a committee, or a panel has failed
7 to act upon a complaint or report within five years, or has found
8 that the complaint or report is without merit, the central file shall
9 be purged of information relating to the complaint or report.

10 Notwithstanding this subdivision, the Board of Psychology, the
11 Board of Behavioral Sciences, and the Respiratory Care Board of
12 California shall maintain complaints or reports as long as each
13 board deems necessary.

14 (c) The contents of any central file that are not public records
15 under any other provision of law shall be confidential except that
16 the licensee involved, or his or her counsel or representative, shall
17 have the right to inspect and have copies made of his or her
18 complete file except for the provision that may disclose the identity
19 of an information source. For the purposes of this section, a board
20 may protect an information source by providing a copy of the
21 material with only those deletions necessary to protect the identity
22 of the source or by providing a comprehensive summary of the
23 substance of the material. Whichever method is used, the board
24 shall ensure that full disclosure is made to the subject of any
25 personal information that could reasonably in any way reflect or
26 convey anything detrimental, disparaging, or threatening to a
27 licensee's reputation, rights, benefits, privileges, or qualifications,
28 or be used by a board to make a determination that would affect
29 a licensee's rights, benefits, privileges, or qualifications. The
30 information required to be disclosed pursuant to Section 803.1
31 shall not be considered among the contents of a central file for the
32 purposes of this subdivision.

33 The licensee may, but is not required to, submit any additional
34 exculpatory or explanatory statement or other information that the
35 board shall include in the central file.

36 Each board may permit any law enforcement or regulatory
37 agency when required for an investigation of unlawful activity or
38 for licensing, certification, or regulatory purposes to inspect and
39 have copies made of that licensee's file, unless the disclosure is
40 otherwise prohibited by law.

1 These disclosures shall effect no change in the confidential status
2 of these records.

3 SEC. 10. Section 801 of the Business and Professions Code is
4 amended to read:

5 801. (a) Except as provided in Section 801.01 and subdivisions
6 (b), (c), and (d) of this section, every insurer providing professional
7 liability insurance to a person who holds a license, certificate, or
8 similar authority from or under any agency mentioned in
9 subdivision (a) of Section 800 shall send a complete report to that
10 agency as to any settlement or arbitration award over three
11 thousand dollars (\$3,000) of a claim or action for damages for
12 death or personal injury caused by that person's negligence, error,
13 or omission in practice, or by his or her rendering of unauthorized
14 professional services. The report shall be sent within 30 days after
15 the written settlement agreement has been reduced to writing and
16 signed by all parties thereto or within 30 days after service of the
17 arbitration award on the parties.

18 (b) Every insurer providing professional liability insurance to
19 a person licensed pursuant to Chapter 13 (commencing with
20 Section 4980) or Chapter 14 (commencing with Section 4990)
21 shall send a complete report to the Board of Behavioral Sciences
22 as to any settlement or arbitration award over ten thousand dollars
23 (\$10,000) of a claim or action for damages for death or personal
24 injury caused by that person's negligence, error, or omission in
25 practice, or by his or her rendering of unauthorized professional
26 services. The report shall be sent within 30 days after the written
27 settlement agreement has been reduced to writing and signed by
28 all parties thereto or within 30 days after service of the arbitration
29 award on the parties.

30 (c) Every insurer providing professional liability insurance to
31 a dentist licensed pursuant to Chapter 4 (commencing with Section
32 1600) shall send a complete report to the Dental Board of
33 California as to any settlement or arbitration award over ten
34 thousand dollars (\$10,000) of a claim or action for damages for
35 death or personal injury caused by that person's negligence, error,
36 or omission in practice, or rendering of unauthorized professional
37 services. The report shall be sent within 30 days after the written
38 settlement agreement has been reduced to writing and signed by
39 all parties thereto or within 30 days after service of the arbitration
40 award on the parties.

1 (d) Every insurer providing liability insurance to a veterinarian
2 licensed pursuant to Chapter 11 (commencing with Section 4800)
3 shall send a complete report to the Veterinary Medical Board of
4 any settlement or arbitration award over ten thousand dollars
5 (\$10,000) of a claim or action for damages for death or injury
6 caused by that person's negligence, error, or omission in practice,
7 or rendering of unauthorized professional service. The report shall
8 be sent within 30 days after the written settlement agreement has
9 been reduced to writing and signed by all parties thereto or within
10 30 days after service of the arbitration award on the parties.

11 (e) The insurer shall notify the claimant, or if the claimant is
12 represented by counsel, the insurer shall notify the claimant's
13 attorney, that the report required by subdivision (a), (b), or (c) has
14 been sent to the agency. If the attorney has not received this notice
15 within 45 days after the settlement was reduced to writing and
16 signed by all of the parties, the arbitration award was served on
17 the parties, or the date of entry of the civil judgment, the attorney
18 shall make the report to the agency.

19 (f) Notwithstanding any other provision of law, no insurer shall
20 enter into a settlement without the written consent of the insured,
21 except that this prohibition shall not void any settlement entered
22 into without that written consent. The requirement of written
23 consent shall only be waived by both the insured and the insurer.
24 This section shall only apply to a settlement on a policy of
25 insurance executed or renewed on or after January 1, 1971.

26 SEC. 11. Section 803 of the Business and Professions Code is
27 amended to read:

28 803. (a) Except as provided in subdivision (b), within 10 days
29 after a judgment by a court of this state that a person who holds a
30 license, certificate, or other similar authority from the Board of
31 Behavioral Sciences or from an agency mentioned in subdivision
32 (a) of Section 800 (except a person licensed pursuant to Chapter
33 3 (commencing with Section 1200)) has committed a crime, or is
34 liable for any death or personal injury resulting in a judgment for
35 an amount in excess of thirty thousand dollars (\$30,000) caused
36 by his or her negligence, error or omission in practice, or his or
37 her rendering unauthorized professional services, the clerk of the
38 court that rendered the judgment shall report that fact to the agency
39 that issued the license, certificate, or other similar authority.

(b) For purposes of a physician and surgeon, osteopathic physician and surgeon, or doctor of podiatric medicine, who is liable for any death or personal injury resulting in a judgment of any amount caused by his or her negligence, error or omission in practice, or his or her rendering unauthorized professional services, the clerk of the court that rendered the judgment shall report that fact to the agency that issued the license.

SEC. 11.5. Section 1907 of the Business and Professions Code is amended to read:

1907. The following functions may be performed by a registered dental hygienist, in addition to those authorized pursuant to Sections 1908 to 1914, inclusive:

(a) All functions that may be performed by a registered dental assistant.

(b) All persons holding a license as a registered dental hygienist, registered dental hygienist in alternative practice, or registered dental hygienist in extended functions as of December 31, 2005, are authorized to perform the duties of a registered dental assistant specified in this chapter. All persons issued a license as a registered dental hygienist, registered dental hygienist in alternative practice, or registered dental hygienist in extended functions on or after January 1, 2006, shall qualify for and receive a registered dental assistant license prior to performance of the duties of a registered dental assistant specified in this chapter.

SEC. 12. Section 2089.5 of the Business and Professions Code is amended to read:

2089.5. (a) Clinical instruction in the subjects listed in subdivision (b) of Section 2089 shall meet the requirements of this section and shall be considered adequate if the requirements of subdivision (a) of Section 2089 and the requirements of this section are satisfied.

(b) Instruction in the clinical courses shall total a minimum of 72 weeks in length.

(c) Instruction in the core clinical courses of surgery, medicine, family medicine, pediatrics, obstetrics and gynecology, and psychiatry shall total a minimum of 40 weeks in length with a minimum of eight weeks instruction in surgery, eight weeks in medicine, six weeks in pediatrics, six weeks in obstetrics and gynecology, a minimum of four weeks in family medicine, and four weeks in psychiatry.

1 (d) Of the instruction required by subdivision (b), including all
2 of the instruction required by subdivision (c), 54 weeks shall be
3 performed in a hospital that sponsors the instruction and shall meet
4 one of the following:

5 (1) Is a formal part of the medical school or school of
6 osteopathic medicine.

7 (2) Has a residency program, approved by the Accreditation
8 Council for Graduate Medical Education (ACGME) or the Royal
9 College of Physicians and Surgeons of Canada (RCPSC), in family
10 practice or in the clinical area of the instruction for which credit
11 is being sought.

12 (3) Is formally affiliated with an approved medical school or
13 school of osteopathic medicine located in the United States or
14 Canada. If the affiliation is limited in nature, credit shall be given
15 only in the subject areas covered by the affiliation agreement.

16 (4) Is formally affiliated with a medical school or a school of
17 osteopathic medicine located outside the United States or Canada.

18 (e) If the institution, specified in subdivision (d), is formally
19 affiliated with a medical school or a school of osteopathic medicine
20 located outside the United States or Canada, it shall meet the
21 following:

22 (1) The formal affiliation shall be documented by a written
23 contract detailing the relationship between the medical school, or
24 a school of osteopathic medicine, and hospital and the
25 responsibilities of each.

26 (2) The school and hospital shall provide to the board a
27 description of the clinical program. The description shall be in
28 sufficient detail to enable the board to determine whether or not
29 the program provides students an adequate medical education. The
30 board shall approve the program if it determines that the program
31 provides an adequate medical education. If the board does not
32 approve the program, it shall provide its reasons for disapproval
33 to the school and hospital in writing specifying its findings about
34 each aspect of the program that it considers to be deficient and the
35 changes required to obtain approval.

36 (3) The hospital, if located in the United States, shall be
37 accredited by the Joint Commission on Accreditation of Hospitals,
38 and if located in another country, shall be accredited in accordance
39 with the law of that country.

1 (4) The clinical instruction shall be supervised by a full-time
2 director of medical education, and the head of the department for
3 each core clinical course shall hold a full-time faculty appointment
4 of the medical school or school of osteopathic medicine and shall
5 be board certified or eligible, or have an equivalent credential in
6 that specialty area appropriate to the country in which the hospital
7 is located.

8 (5) The clinical instruction shall be conducted pursuant to a
9 written program of instruction provided by the school.

10 (6) The school shall supervise the implementation of the
11 program on a regular basis, documenting the level and extent of
12 its supervision.

13 (7) The hospital-based faculty shall evaluate each student on a
14 regular basis and shall document the completion of each aspect of
15 the program for each student.

16 (8) The hospital shall ensure a minimum daily census adequate
17 to meet the instructional needs of the number of students enrolled
18 in each course area of clinical instruction, but not less than 15
19 patients in each course area of clinical instruction.

20 (9) The board, in reviewing the application of a foreign medical
21 graduate, may require the applicant to submit a description of the
22 clinical program, if the board has not previously approved the
23 program, and may require the applicant to submit documentation
24 to demonstrate that the applicant's clinical training met the
25 requirements of this subdivision.

26 (10) The medical school or school of osteopathic medicine shall
27 bear the reasonable cost of any site inspection by the board or its
28 agents necessary to determine whether the clinical program offered
29 is in compliance with this subdivision.

30 SEC. 13. Section 2096 of the Business and Professions Code
31 is amended to read:

32 2096. In addition to other requirements of this chapter, before
33 a physician's and surgeon's license may be issued, each applicant,
34 including an applicant applying pursuant to Article 5 (commencing
35 with Section 2100), shall show by evidence satisfactory to the
36 board that he or she has satisfactorily completed at least one year
37 of postgraduate training, which includes at least four months of
38 general medicine, in a postgraduate training program approved by
39 the Accreditation Council for Graduate Medical Education

1 (ACGME) or the Royal College of Physicians and Surgeons of
2 Canada (RCPSC).

3 The amendments made to this section at the 1987 portion of the
4 1987–88 session of the Legislature shall not apply to applicants
5 who completed their one year of postgraduate training on or before
6 July 1, 1990.

7 SEC. 14. Section 2102 of the Business and Professions Code
8 is amended to read:

9 2102. Any applicant whose professional instruction was
10 acquired in a country other than the United States or Canada shall
11 provide evidence satisfactory to the board of compliance with the
12 following requirements to be issued a physician's and surgeon's
13 certificate:

14 (a) Completion in a medical school or schools of a resident
15 course of professional instruction equivalent to that required by
16 Section 2089 and issuance to the applicant of a document
17 acceptable to the board that shows final and successful completion
18 of the course. However, nothing in this section shall be construed
19 to require the board to evaluate for equivalency any coursework
20 obtained at a medical school disapproved by the board pursuant
21 to this section.

22 (b) Certification by the Educational Commission for Foreign
23 Medical Graduates, or its equivalent, as determined by the board.
24 This subdivision shall apply to all applicants who are subject to
25 this section and who have not taken and passed the written
26 examination specified in subdivision (d) prior to June 1, 1986.

27 (c) Satisfactory completion of the postgraduate training required
28 under Section 2096. An applicant shall be required to have
29 substantially completed the professional instruction required in
30 subdivision (a) and shall be required to make application to the
31 board and have passed steps 1 and 2 of the written examination
32 relating to biomedical and clinical sciences prior to commencing
33 any postgraduate training in this state. In its discretion, the board
34 may authorize an applicant who is deficient in any education or
35 clinical instruction required by Sections 2089 and 2089.5 to make
36 up any deficiencies as a part of his or her postgraduate training
37 program, but that remedial training shall be in addition to the
38 postgraduate training required for licensure.

39 (d) Pass the written examination as provided under Article 9
40 (commencing with Section 2170). An applicant shall be required

1 to meet the requirements specified in subdivision (b) prior to being
2 admitted to the written examination required by this subdivision.

3 Nothing in this section prohibits the board from disapproving
4 any foreign medical school or from denying an application if, in
5 the opinion of the board, the professional instruction provided by
6 the medical school or the instruction received by the applicant is
7 not equivalent to that required in Article 4 (commencing with
8 Section 2080).

9 SEC. 15. Section 2107 of the Business and Professions Code
10 is amended to read:

11 2107. (a) The Legislature intends that the board shall have the
12 authority to substitute postgraduate education and training to
13 remedy deficiencies in an applicant's medical school education
14 and training. The Legislature further intends that applicants who
15 substantially completed their clinical training shall be granted that
16 substitute credit if their postgraduate education took place in an
17 accredited program.

18 (b) To meet the requirements for licensure set forth in Sections
19 2089 and 2089.5, the board may require an applicant under this
20 article to successfully complete additional education and training.
21 In determining the content and duration of the required additional
22 education and training, the board shall consider the applicant's
23 medical education and performance on standardized national
24 examinations, and may substitute approved postgraduate training
25 in lieu of specified undergraduate requirements. Postgraduate
26 training substituted for undergraduate training shall be in addition
27 to the postgraduate training required by Sections 2102 and 2103.

28 SEC. 16. Section 2135 of the Business and Professions Code
29 is amended to read:

30 2135. The board shall issue a physician and surgeon's
31 certificate to an applicant who meets all of the following
32 requirements:

33 (a) The applicant holds an unlimited license as a physician and
34 surgeon in another state or states, or in a Canadian province or
35 Canadian provinces, which was issued upon:

36 (1) Successful completion of a resident course of professional
37 instruction leading to a degree of medical doctor equivalent to that
38 specified in Section 2089. However, nothing in this section shall
39 be construed to require the board to evaluate for equivalency any

1 coursework obtained at a medical school disapproved by the board
2 pursuant to Article 4 (commencing with Section 2080).

3 (2) Taking and passing a written examination that is recognized
4 by the board to be equivalent in content to that administered in
5 California.

6 (b) The applicant has held an unrestricted license to practice
7 medicine, in a state or states, in a Canadian province or Canadian
8 provinces, or as a member of the active military, United States
9 Public Health Services, or other federal program, for a period of
10 at least four years. Any time spent by the applicant in an approved
11 postgraduate training program or clinical fellowship acceptable to
12 the board shall not be included in the calculation of this four-year
13 period.

14 (c) The board determines that no disciplinary action has been
15 taken against the applicant by any medical licensing authority and
16 that the applicant has not been the subject of adverse judgments
17 or settlements resulting from the practice of medicine that the
18 board determines constitutes evidence of a pattern of negligence
19 or incompetence.

20 (d) The applicant (1) has satisfactorily completed at least one
21 year of approved postgraduate training and is certified by a
22 specialty board approved by the American Board of Medical
23 Specialties or approved by the board pursuant to subdivision (h)
24 of Section 651; (2) has satisfactorily completed at least two years
25 of approved postgraduate training; or (3) has satisfactorily
26 completed at least one year of approved postgraduate training and
27 takes and passes the clinical competency written examination.

28 (e) The applicant has not committed any acts or crimes
29 constituting grounds for denial of a certificate under Division 1.5
30 (commencing with Section 475) or Article 12 (commencing with
31 Section 2220).

32 (f) Any application received from an applicant who has held an
33 unrestricted license to practice medicine, in a state or states, or
34 Canadian province or Canadian provinces, or as a member of the
35 active military, United States Public Health Services, or other
36 federal program for four or more years shall be reviewed and
37 processed pursuant to this section. Any time spent by the applicant
38 in an approved postgraduate training program or clinical fellowship
39 acceptable to the board shall not be included in the calculation of
40 this four-year period. This subdivision does not apply to

1 applications that may be reviewed and processed pursuant to
2 Section 2151.

3 SEC. 17. Section 2168.4 of the Business and Professions Code
4 is amended to read:

5 2168.4. (a) A special faculty permit expires and becomes
6 invalid at midnight on the last day of the permitholder's birth
7 month during the second year of a two-year term, if not renewed.

8 (b) A person who holds a special faculty permit shall show at
9 the time of license renewal that he or she continues to meet the
10 eligibility criteria set forth in Section 2168.1. After the first renewal
11 of a special faculty permit, the permitholder shall not be required
12 to hold a full-time faculty position, and may instead be employed
13 part-time in a position that otherwise meets the requirements set
14 forth in paragraph (1) of subdivision (a) of Section 2168.1.

15 (c) A person who holds a special faculty permit shall show at
16 the time of license renewal that he or she meets the continuing
17 medical education requirements of Article 10 (commencing with
18 Section 2190).

19 (d) In addition to the requirements set forth above, a special
20 faculty permit shall be renewed in accordance with Article 19
21 (commencing with Section 2420) in the same manner as a
22 physician's and surgeon's certificate.

23 (e) Those fees applicable to a physician's and surgeon's
24 certificate shall also apply to a special faculty permit and shall be
25 paid into the State Treasury and credited to the Contingent Fund
26 of the Medical Board of California.

27 SEC. 18. Section 2169 is added to the Business and Professions
28 Code, to read:

29 2169. A person who holds a special faculty permit shall meet
30 the continuing medical education requirements set forth in Article
31 10 (commencing with Section 2190).

32 SEC. 19. Section 2172 of the Business and Professions Code
33 is repealed.

34 SEC. 20. Section 2173 of the Business and Professions Code
35 is repealed.

36 SEC. 21. Section 2174 of the Business and Professions Code
37 is repealed.

38 SEC. 22. Section 2175 of the Business and Professions Code
39 is amended to read:

1 2175. State examination records shall be kept on file by the
2 board until June 1, 2070. Examinees shall be known and designated
3 by number only, and the name attached to the number shall be kept
4 secret until the examinee is sent notification of the results of the
5 examinations.

6 SEC. 23. Section 2221 of the Business and Professions Code
7 is amended to read:

8 2221. (a) The board may deny a physician's and surgeon's
9 certificate to an applicant guilty of unprofessional conduct or of
10 any cause that would subject a licensee to revocation or suspension
11 of his or her license; or, the board in its sole discretion, may issue
12 a probationary physician's and surgeon's certificate to an applicant
13 subject to terms and conditions, including, but not limited to, any
14 of the following conditions of probation:

15 (1) Practice limited to a supervised, structured environment
16 where the licensee's activities shall be supervised by another
17 physician and surgeon.

18 (2) Total or partial restrictions on drug prescribing privileges
19 for controlled substances.

20 (3) Continuing medical or psychiatric treatment.

21 (4) Ongoing participation in a specified rehabilitation program.

22 (5) Enrollment and successful completion of a clinical training
23 program.

24 (6) Abstention from the use of alcohol or drugs.

25 (7) Restrictions against engaging in certain types of medical
26 practice.

27 (8) Compliance with all provisions of this chapter.

28 (9) Payment of the cost of probation monitoring.

29 (b) The board may modify or terminate the terms and conditions
30 imposed on the probationary certificate upon receipt of a petition
31 from the licensee. The board may assign the petition to an
32 administrative law judge designated in Section 11371 of the
33 Government Code. After a hearing on the petition, the
34 administrative law judge shall provide a proposed decision to the
35 board.

36 (c) The board shall deny a physician's and surgeon's certificate
37 to an applicant who is required to register pursuant to Section 290
38 of the Penal Code. This subdivision does not apply to an applicant
39 who is required to register as a sex offender pursuant to Section

1 290 of the Penal Code solely because of a misdemeanor conviction
2 under Section 314 of the Penal Code.

3 (d) An applicant shall not be eligible to reapply for a physician's
4 and surgeon's certificate for a minimum of three years from the
5 effective date of the denial of his or her application, except that
6 the board may, in its discretion and for good cause demonstrated,
7 permit reapplication after not less than one year has elapsed from
8 the effective date of the denial.

9 SEC. 24. Section 2307 of the Business and Professions Code
10 is amended to read:

11 2307. (a) A person whose certificate has been surrendered
12 while under investigation or while charges are pending or whose
13 certificate has been revoked or suspended or placed on probation,
14 may petition the board for reinstatement or modification of penalty,
15 including modification or termination of probation.

16 (b) The person may file the petition after a period of not less
17 than the following minimum periods have elapsed from the
18 effective date of the surrender of the certificate or the decision
19 ordering that disciplinary action:

20 (1) At least three years for reinstatement of a license surrendered
21 or revoked for unprofessional conduct, except that the board may,
22 for good cause shown, specify in a revocation order that a petition
23 for reinstatement may be filed after two years.

24 (2) At least two years for early termination of probation of three
25 years or more.

26 (3) At least one year for modification of a condition, or
27 reinstatement of a license surrendered or revoked for mental or
28 physical illness, or termination of probation of less than three years.

29 (c) The petition shall state any facts as may be required by the
30 board. The petition shall be accompanied by at least two verified
31 recommendations from physicians and surgeons licensed in any
32 state who have personal knowledge of the activities of the petitioner
33 since the disciplinary penalty was imposed.

34 (d) The petition may be heard by a panel of the board. The board
35 may assign the petition to an administrative law judge designated
36 in Section 11371 of the Government Code. After a hearing on the
37 petition, the administrative law judge shall provide a proposed
38 decision to the board or the California Board of Podiatric Medicine,
39 as applicable, which shall be acted upon in accordance with Section
40 2335.

1 (e) The panel of the board or the administrative law judge
2 hearing the petition may consider all activities of the petitioner
3 since the disciplinary action was taken, the offense for which the
4 petitioner was disciplined, the petitioner's activities during the
5 time the certificate was in good standing, and the petitioner's
6 rehabilitative efforts, general reputation for truth, and professional
7 ability. The hearing may be continued from time to time as the
8 administrative law judge designated in Section 11371 of the
9 Government Code finds necessary.

10 (f) The administrative law judge designated in Section 11371
11 of the Government Code reinstating a certificate or modifying a
12 penalty may recommend the imposition of any terms and conditions
13 deemed necessary.

14 (g) No petition shall be considered while the petitioner is under
15 sentence for any criminal offense, including any period during
16 which the petitioner is on court-imposed probation or parole. No
17 petition shall be considered while there is an accusation or petition
18 to revoke probation pending against the person. The board may
19 deny without a hearing or argument any petition filed pursuant to
20 this section within a period of two years from the effective date
21 of the prior decision following a hearing under this section.

22 (h) This section is applicable to and may be carried out with
23 regard to licensees of the California Board of Podiatric Medicine.
24 In lieu of two verified recommendations from physicians and
25 surgeons, the petition shall be accompanied by at least two verified
26 recommendations from doctors of podiatric medicine licensed in
27 any state who have personal knowledge of the activities of the
28 petitioner since the date the disciplinary penalty was imposed.

29 (i) Nothing in this section shall be deemed to alter Sections 822
30 and 823.

31 SEC. 25. Section 2335 of the Business and Professions Code
32 is amended to read:

33 2335. (a) All proposed decisions and interim orders of the
34 Medical Quality Hearing Panel designated in Section 11371 of the
35 Government Code shall be transmitted to the executive director
36 of the board, or the executive director of the California Board of
37 Podiatric Medicine as to the licensees of that board, within 48
38 hours of filing.

39 (b) All interim orders shall be final when filed.

1 (c) A proposed decision shall be acted upon by the board or by
2 any panel appointed pursuant to Section 2008 or by the California
3 Board of Podiatric Medicine, as the case may be, in accordance
4 with Section 11517 of the Government Code, except that all of the
5 following shall apply to proceedings against licensees under this
6 chapter:

7 (1) When considering a proposed decision, the board or panel
8 and the California Board of Podiatric Medicine shall give great
9 weight to the findings of fact of the administrative law judge,
10 except to the extent those findings of fact are controverted by new
11 evidence.

12 (2) The board's staff or the staff of the California Board of
13 Podiatric Medicine shall poll the members of the board or panel
14 or of the California Board of Podiatric Medicine by written mail
15 ballot concerning the proposed decision. The mail ballot shall be
16 sent within 10 calendar days of receipt of the proposed decision,
17 and shall poll each member on whether the member votes to
18 approve the decision, to approve the decision with an altered
19 penalty, to refer the case back to the administrative law judge for
20 the taking of additional evidence, to defer final decision pending
21 discussion of the case by the panel or board as a whole, or to
22 nonadopt the decision. No party to the proceeding, including
23 employees of the agency that filed the accusation, and no person
24 who has a direct or indirect interest in the outcome of the
25 proceeding or who presided at a previous stage of the decision,
26 may communicate directly or indirectly, upon the merits of a
27 contested matter while the proceeding is pending, with any member
28 of the panel or board, without notice and opportunity for all parties
29 to participate in the communication. The votes of a majority of the
30 board or of the panel, and a majority of the California Board of
31 Podiatric Medicine, are required to approve the decision with an
32 altered penalty, to refer the case back to the administrative law
33 judge for the taking of further evidence, or to nonadopt the
34 decision. The votes of two members of the panel or board are
35 required to defer final decision pending discussion of the case by
36 the panel or board as a whole. If there is a vote by the specified
37 number to defer final decision pending discussion of the case by
38 the panel or board as a whole, provision shall be made for that
39 discussion before the 100-day period specified in paragraph (3)
40 expires, but in no event shall that 100-day period be extended.

1 (3) If a majority of the board or of the panel, or a majority of
2 the California Board of Podiatric Medicine vote to do so, the board
3 or the panel or the California Board of Podiatric Medicine shall
4 issue an order of nonadoption of a proposed decision within 100
5 calendar days of the date it is received by the board. If the board
6 or the panel or the California Board of Podiatric Medicine does
7 not refer the case back to the administrative law judge for the
8 taking of additional evidence or issue an order of nonadoption
9 within 100 calendar days, the decision shall be final and subject
10 to review under Section 2337. Members of the board or of any
11 panel or of the California Board of Podiatric Medicine who review
12 a proposed decision or other matter and vote by mail as provided
13 in paragraph (2) shall return their votes by mail to the board within
14 30 days from receipt of the proposed decision or other matter.

15 (4) The board or the panel or the California Board of Podiatric
16 Medicine shall afford the parties the opportunity to present oral
17 argument before deciding a case after nonadoption of the
18 administrative law judge's decision.

19 (5) A vote of a majority of the board or of a panel, or a majority
20 of the California Board of Podiatric Medicine, are required to
21 increase the penalty from that contained in the proposed
22 administrative law judge's decision. No member of the board or
23 panel or of the California Board of Podiatric Medicine may vote
24 to increase the penalty except after reading the entire record and
25 personally hearing any additional oral argument and evidence
26 presented to the panel or board.

27 SEC. 26. Section 2486 of the Business and Professions Code
28 is amended to read:

29 2486. The Medical Board of California shall issue, upon the
30 recommendation of the board, a certificate to practice podiatric
31 medicine if the applicant has submitted directly to the board from
32 the credentialing organizations verification that he or she meets
33 all of the following requirements:

34 (a) The applicant has graduated from an approved school or
35 college of podiatric medicine and meets the requirements of Section
36 2483.

37 (b) The applicant, within the past 10 years, has passed parts I,
38 II, and III of the examination administered by the National Board
39 of Podiatric Medical Examiners of the United States or has passed
40 a written examination that is recognized by the board to be the

1 equivalent in content to the examination administered by the
2 National Board of Podiatric Medical Examiners of the United
3 States.

4 (c) The applicant has satisfactorily completed the postgraduate
5 training required by Section 2484.

6 (d) The applicant has passed within the past 10 years any oral
7 and practical examination that may be required of all applicants
8 by the board to ascertain clinical competence.

9 (e) The applicant has committed no acts or crimes constituting
10 grounds for denial of a certificate under Division 1.5 (commencing
11 with Section 475).

12 (f) The board determines that no disciplinary action has been
13 taken against the applicant by any podiatric licensing authority
14 and that the applicant has not been the subject of adverse judgments
15 or settlements resulting from the practice of podiatric medicine
16 that the board determines constitutes evidence of a pattern of
17 negligence or incompetence.

18 (g) A disciplinary databank report regarding the applicant is
19 received by the board from the Federation of Podiatric Medical
20 Boards.

21 SEC. 27. Section 2488 of the Business and Professions Code
22 is amended to read:

23 2488. Notwithstanding any other provision of law, the Medical
24 Board of California shall issue, upon the recommendation of the
25 board, a certificate to practice podiatric medicine by credentialing
26 if the applicant has submitted directly to the board from the
27 credentialing organizations verification that he or she is licensed
28 as a doctor of podiatric medicine in any other state and meets all
29 of the following requirements:

30 (a) The applicant has graduated from an approved school or
31 college of podiatric medicine.

32 (b) The applicant, within the past 10 years, has passed either
33 part III of the examination administered by the National Board of
34 Podiatric Medical Examiners of the United States or a written
35 examination that is recognized by the board to be the equivalent
36 in content to the examination administered by the National Board
37 of Podiatric Medical Examiners of the United States.

38 (c) The applicant has satisfactorily completed a postgraduate
39 training program approved by the Council on Podiatric Medical
40 Education.

1 (d) The applicant, within the past 10 years, has passed any oral
2 and practical examination that may be required of all applicants
3 by the board to ascertain clinical competence.

4 (e) The applicant has committed no acts or crimes constituting
5 grounds for denial of a certificate under Division 1.5 (commencing
6 with Section 475).

7 (f) The board determines that no disciplinary action has been
8 taken against the applicant by any podiatric licensing authority
9 and that the applicant has not been the subject of adverse judgments
10 or settlements resulting from the practice of podiatric medicine
11 that the board determines constitutes evidence of a pattern of
12 negligence or incompetence.

13 (g) A disciplinary databank report regarding the applicant is
14 received by the board from the Federation of Podiatric Medical
15 Boards.

16 SEC. 28. Section 2570.5 of the Business and Professions Code
17 is amended to read:

18 2570.5. (a) A limited permit may be granted to any person
19 who has completed the education and experience requirements of
20 this chapter.

21 (b) A person who meets the qualifications to be admitted to the
22 examination for licensure or certification under this chapter and
23 is waiting to take the examination or awaiting the announcement
24 of the results of the examination, according to the application
25 requirements for a limited permit, may practice as an occupational
26 therapist or as an occupational therapy assistant under the direction
27 and appropriate supervision of an occupational therapist duly
28 licensed under this chapter. If that person fails to pass the
29 examination during the initial eligibility period, all privileges under
30 this section shall automatically cease upon due notice to the
31 applicant of that failure and may not be renewed.

32 (c) A limited permit shall be subject to other requirements set
33 forth in rules adopted by the board.

34 SEC. 28.5. Section 2570.5 of the Business and Professions
35 Code is amended to read:

36 2570.5. (a) A limited permit may be granted to any person
37 who has completed the education and experience requirements of
38 this chapter.

39 (b) A person who meets the qualifications to be admitted to the
40 examination for licensure under this chapter and is waiting to take

1 the examination or awaiting the announcement of the results of
2 the examination, according to the application requirements for a
3 limited permit, may practice as an occupational therapist or as an
4 occupational therapy assistant under the direction and appropriate
5 supervision of an occupational therapist duly licensed under this
6 chapter. If that person fails to pass the examination during the
7 initial eligibility period, all privileges under this section shall
8 automatically cease upon due notice to the applicant of that failure
9 and may not be renewed.

10 (c) A limited permit shall be subject to other requirements set
11 forth in rules adopted by the board.

12 SEC. 29. Section 2570.6 of the Business and Professions Code
13 is amended to read:

14 2570.6. An applicant applying for a license as an occupational
15 therapist or certification as an occupational therapy assistant shall
16 file with the board a written application provided by the board,
17 showing to the satisfaction of the board that he or she meets all of
18 the following requirements:

19 (a) That the applicant is in good standing and has not committed
20 acts or crimes constituting grounds for denial of a license under
21 Section 480.

22 (b) (1) That the applicant has successfully completed the
23 academic requirements of an educational program for occupational
24 therapists or occupational therapy assistants that is approved by
25 the board and accredited by the American Occupational Therapy
26 Association's Accreditation Council for Occupational Therapy
27 Education (ACOTE), or accredited or approved by the American
28 Occupational Therapy Association's (AOTA) predecessor
29 organization, or approved by AOTA's Career Mobility Program.

30 (2) The curriculum of an educational program for occupational
31 therapists shall contain the content required by the ACOTE
32 accreditation standards, or as approved by AOTA's predecessor
33 organization, or as approved by AOTA's Career Mobility Program,
34 including all of the following subjects:

35 (A) Biological, behavioral, and health sciences.

36 (B) Structure and function of the human body, including
37 anatomy, kinesiology, physiology, and the neurosciences.

38 (C) Human development throughout the lifespan.

39 (D) Human behavior in the context of sociocultural systems.

1 (E) Etiology, clinical course, management, and prognosis of
2 disease processes and traumatic injuries, and the effects of those
3 conditions on human functioning.

4 (F) Occupational therapy theory, practice, and processes.

5 (3) The curriculum of an educational program for occupational
6 therapy assistants shall contain the content required by the ACOTE
7 accreditation standards, or as approved or accredited by AOTA's
8 predecessor organization, including all of the following subjects:

9 (A) Biological, behavioral, and health sciences.

10 (B) Structure and function of the normal human body.

11 (C) Human development.

12 (D) Conditions commonly referred to occupational therapists.

13 (E) Occupational therapy principles and skills.

14 (c) (1) For an applicant who is a graduate of an occupational
15 therapy or occupational therapy assistant educational program who
16 is unable to provide evidence of having met the requirements of
17 paragraph (2) or (3) of subdivision (b), he or she may demonstrate
18 passage of the examination administered by the National Board
19 for Certification in Occupational Therapy, the American
20 Occupational Therapy Certification Board, or the American
21 Occupational Therapy Association, as evidence of having
22 successfully satisfied the requirements of paragraph (2) or (3) of
23 subdivision (b).

24 (2) For an applicant who completed AOTA's Career Mobility
25 Program, he or she shall demonstrate participation in the program
26 and passage of the examination administered by the National Board
27 for Certification in Occupational Therapy, the American
28 Occupational Therapy Certification Board, or the American
29 Occupational Therapy Association, as evidence of having
30 successfully satisfied the requirements of paragraphs (1) and (2)
31 of subdivision (b).

32 (d) That the applicant has successfully completed a period of
33 supervised fieldwork experience approved by the board and
34 arranged by a recognized educational institution where he or she
35 met the academic requirements of subdivision (b) or (c) or arranged
36 by a nationally recognized professional association. The fieldwork
37 requirements for applicants applying for licensure as an
38 occupational therapist or certification as an occupational therapy
39 assistant shall be consistent with the requirements of the ACOTE
40 accreditation standards, or AOTA's predecessor organization, or

1 AOTA's Career Mobility Program, that were in effect when the
2 applicant completed his or her educational program.

3 (e) That the applicant has passed an examination as provided
4 in Section 2570.7.

5 (f) That the applicant, at the time of application, is a person over
6 18 years of age, is not addicted to alcohol or any controlled
7 substance, and has not committed acts or crimes constituting
8 grounds for denial of licensure or certification under Section 480.

9 SEC. 29.5. Section 2570.6 of the Business and Professions
10 Code is amended to read:

11 2570.6. An applicant applying for a license as an occupational
12 therapist as an occupational therapy assistant shall file with the
13 board a written application provided by the board, showing to the
14 satisfaction of the board that he or she meets all of the following
15 requirements:

16 (a) That the applicant is in good standing and has not committed
17 acts or crimes constituting grounds for denial of a license under
18 Section 480.

19 (b) (1) That the applicant has successfully completed the
20 academic requirements of an educational program for occupational
21 therapists or occupational therapy assistants that is approved by
22 the board and accredited by the American Occupational Therapy
23 Association's Accreditation Council for Occupational Therapy
24 Education (ACOTE), or accredited or approved by the American
25 Occupational Therapy Association's (AOTA) predecessor
26 organization, or approved by AOTA's Career Mobility Program.

27 (2) The curriculum of an educational program for occupational
28 therapists shall contain the content required by the ACOTE
29 accreditation standards, or as approved by AOTA's predecessor
30 organization, or as approved by AOTA's Career Mobility Program,
31 including all of the following subjects:

32 (A) Biological, behavioral, and health sciences.

33 (B) Structure and function of the human body, including
34 anatomy, kinesiology, physiology, and the neurosciences.

35 (C) Human development throughout the lifespan.

36 (D) Human behavior in the context of sociocultural systems.

37 (E) Etiology, clinical course, management, and prognosis of
38 disease processes and traumatic injuries, and the effects of those
39 conditions on human functioning.

40 (F) Occupational therapy theory, practice, and processes.

1 (3) The curriculum of an educational program for occupational
2 therapy assistants shall contain the content required by the ACOTE
3 accreditation standards, or as approved or accredited by AOTA's
4 predecessor organization, including all of the following subjects:

5 (A) Biological, behavioral, and health sciences.

6 (B) Structure and function of the normal human body.

7 (C) Human development.

8 (D) Conditions commonly referred to occupational therapists.

9 (E) Occupational therapy principles and skills.

10 (c) (1) For an applicant who is a graduate of an occupational
11 therapy or occupational therapy assistant educational program who
12 is unable to provide evidence of having met the requirements of
13 paragraph (2) or (3) of subdivision (b), he or she may demonstrate
14 passage of the examination administered by the National Board
15 for Certification in Occupational Therapy, the American
16 Occupational Therapy Certification Board, or the American
17 Occupational Therapy Association, as evidence of having
18 successfully satisfied the requirements of paragraph (2) or (3) of
19 subdivision (b).

20 (2) For an applicant who completed AOTA's Career Mobility
21 Program, he or she shall demonstrate participation in the program
22 and passage of the examination administered by the National Board
23 for Certification in Occupational Therapy, the American
24 Occupational Therapy Certification Board, or the American
25 Occupational Therapy Association, as evidence of having
26 successfully satisfied the requirements of paragraphs (1) and (2)
27 of subdivision (b).

28 (d) That the applicant has successfully completed a period of
29 supervised fieldwork experience approved by the board and
30 arranged by a recognized educational institution where he or she
31 met the academic requirements of subdivision (b) or (c) or arranged
32 by a nationally recognized professional association. The fieldwork
33 requirements for applicants applying for licensure as an
34 occupational therapist or certification as an occupational therapy
35 assistant shall be consistent with the requirements of the ACOTE
36 accreditation standards, or AOTA's predecessor organization, or
37 AOTA's Career Mobility Program, that were in effect when the
38 applicant completed his or her educational program.

39 (e) That the applicant has passed an examination as provided
40 in Section 2570.7.

1 (f) That the applicant, at the time of application, is a person over
2 18 years of age, is not addicted to alcohol or any controlled
3 substance, and has not committed acts or crimes constituting
4 grounds for denial of licensure under Section 480.

5 SEC. 30. Section 2570.7 of the Business and Professions Code
6 is amended to read:

7 2570.7. (a) An applicant who has satisfied the requirements
8 of Section 2570.6 may apply for examination for licensure or
9 certification in a manner prescribed by the board. Subject to the
10 provisions of this chapter, an applicant who fails an examination
11 may apply for reexamination.

12 (b) Each applicant for licensure or certification shall successfully
13 complete the entry level certification examination for occupational
14 therapists or occupational therapy assistants approved by the board,
15 such as the examination administered by the National Board for
16 Certification in Occupational Therapy, the American Occupational
17 Therapy Certification Board, or the American Occupational
18 Therapy Association. The examination shall be appropriately
19 validated. Each applicant shall be examined by written examination
20 to test his or her knowledge of the basic and clinical sciences
21 relating to occupational therapy, occupational therapy techniques
22 and methods, and any other subjects that the board may require to
23 determine the applicant's fitness to practice under this chapter.

24 (c) Applicants for licensure or certification shall be examined
25 at a time and place and under that supervision as the board may
26 require.

27 SEC. 30.5. Section 2570.7 of the Business and Professions
28 Code is amended to read:

29 2570.7. (a) An applicant who has satisfied the requirements
30 of Section 2570.6 may apply for examination for licensure in a
31 manner prescribed by the board. Subject to the provisions of this
32 chapter, an applicant who fails an examination may apply for
33 reexamination.

34 (b) Each applicant for licensure shall successfully complete the
35 entry level certification examination for occupational therapists
36 or occupational therapy assistants, such as the examination
37 administered by the National Board for Certification in
38 Occupational Therapy, the American Occupational Therapy
39 Certification Board, or the American Occupational Therapy
40 Association. The examination shall be appropriately validated.

1 Each applicant shall be examined by written examination to test
2 his or her knowledge of the basic and clinical sciences relating to
3 occupational therapy, occupational therapy techniques and
4 methods, and any other subjects that the board may require to
5 determine the applicant's fitness to practice under this chapter.

6 (c) Applicants for licensure shall be examined at a time and
7 place and under that supervision as the board may require.

8 SEC. 31. Section 2570.185 of the Business and Professions
9 Code is amended to read:

10 2570.185. (a) An occupational therapist shall document his
11 or her evaluation, goals, treatment plan, and summary of treatment
12 in the patient record.

13 (b) An occupational therapy assistant shall document the services
14 provided in the patient record.

15 (c) Occupational therapists and occupational therapy assistants
16 shall document and sign the patient record legibly.

17 (d) Patient records shall be maintained for a period of no less
18 than seven years following the discharge of the patient, except that
19 the records of unemancipated minors shall be maintained at least
20 one year after the minor has reached the age of 18 years, and not
21 in any case less than seven years.

22 SEC. 32. Section 2570.36 is added to the Business and
23 Professions Code, to read:

24 2570.36. If a licensee has knowledge that an applicant or
25 licensee may be in violation of, or has violated, any of the statutes
26 or regulations administered by the board, the licensee shall report
27 this information to the board in writing and shall cooperate with
28 the board in providing information or assistance as may be
29 required.

30 SEC. 33. Section 2760.1 of the Business and Professions Code
31 is amended to read:

32 2760.1. (a) A registered nurse whose license has been revoked
33 or suspended or who has been placed on probation may petition
34 the board for reinstatement or modification of penalty, including
35 reduction or termination of probation, after a period not less than
36 the following minimum periods has elapsed from the effective
37 date of the decision ordering that disciplinary action, or if the order
38 of the board or any portion of it is stayed by the board itself or by
39 the superior court, from the date the disciplinary action is actually
40 implemented in its entirety, or for a registered nurse whose initial

1 license application is subject to a disciplinary decision, from the
2 date the initial license was issued:

3 (1) Except as otherwise provided in this section, at least three
4 years for reinstatement of a license that was revoked, except that
5 the board may, in its sole discretion, specify in its order a lesser
6 period of time provided that the period shall be not less than one
7 year.

8 (2) At least two years for early termination of a probation period
9 of three years or more.

10 (3) At least one year for modification of a condition, or
11 reinstatement of a license revoked for mental or physical illness,
12 or termination of probation of less than three years.

13 (b) The board shall give notice to the Attorney General of the
14 filing of the petition. The petitioner and the Attorney General shall
15 be given timely notice by letter of the time and place of the hearing
16 on the petition, and an opportunity to present both oral and
17 documentary evidence and argument to the board. The petitioner
18 shall at all times have the burden of proof to establish by clear and
19 convincing evidence that he or she is entitled to the relief sought
20 in the petition.

21 (c) The hearing may be continued from time to time as the board
22 deems appropriate.

23 (d) The board itself shall hear the petition and the administrative
24 law judge shall prepare a written decision setting forth the reasons
25 supporting the decision.

26 (e) The board may grant or deny the petition, or may impose
27 any terms and conditions that it reasonably deems appropriate as
28 a condition of reinstatement or reduction of penalty.

29 (f) The petitioner shall provide a current set of fingerprints
30 accompanied by the necessary fingerprinting fee.

31 (g) No petition shall be considered while the petitioner is under
32 sentence for any criminal offense, including any period during
33 which the petitioner is on court-imposed probation or parole, or
34 subject to an order of registration pursuant to Section 290 of the
35 Penal Code. No petition shall be considered while there is an
36 accusation or petition to revoke probation pending against the
37 petitioner.

38 (h) Except in those cases where the petitioner has been
39 disciplined pursuant to Section 822, the board may in its discretion
40 deny without hearing or argument any petition that is filed pursuant

1 to this section within a period of two years from the effective date
2 of a prior decision following a hearing under this section.

3 *SEC. 34. Section 2835.7 is added to the Business and*
4 *Professions Code, to read:*

5 *2835.7. (a) Notwithstanding any other provision of law, in*
6 *addition to any other practices that meet the general criteria set*
7 *forth in statute or regulation for inclusion in standardized*
8 *procedures developed through collaboration among administrators*
9 *and health professionals, including physicians and surgeons and*
10 *nurses, pursuant to Section 2725, standardized procedures may*
11 *be implemented that authorize a nurse practitioner to do any of*
12 *the following:*

13 *(1) Order durable medical equipment, subject to any limitations*
14 *set forth in the standardized procedures. Notwithstanding that*
15 *authority, nothing in this paragraph shall operate to limit the*
16 *ability of a third-party payer to require prior approval.*

17 *(2) After performance of a physical examination by the nurse*
18 *practitioner and collaboration with a physician and surgeon,*
19 *certify disability pursuant to Section 2708 of the Unemployment*
20 *Insurance Code.*

21 *(3) For individuals receiving home health services or personal*
22 *care services, after consultation with the treating physician and*
23 *surgeon, approve, sign, modify, or add to a plan of treatment or*
24 *plan of care.*

25 *(b) Nothing in this section shall be construed to affect the*
26 *validity of any standardized procedures in effect prior to the*
27 *enactment of this section or those adopted subsequent to enactment.*

28 ~~SEC. 34.~~

29 *SEC. 35. Section 3503 of the Business and Professions Code*
30 *is amended to read:*

31 *3503. No person other than one who has been licensed to*
32 *practice as a physician assistant shall practice as a physician*
33 *assistant or in a similar capacity to a physician and surgeon or*
34 *podiatrist or hold himself or herself out as a “physician assistant,”*
35 *or shall use any other term indicating or implying that he or she*
36 *is a physician assistant.*

37 ~~SEC. 35.~~

38 *SEC. 36. Section 3517 of the Business and Professions Code*
39 *is amended to read:*

1 3517. The committee shall require a written examination of
2 physician assistants in the manner and under the rules and
3 regulations as it shall prescribe, but the examination shall be
4 conducted in that manner as to ensure that the identity of each
5 applicant taking the examination will be unknown to all of the
6 examiners until all examination papers have been graded. Except
7 as otherwise provided in this chapter, or by regulation, no physician
8 assistant applicant shall receive approval under this chapter without
9 first successfully passing an examination given under the direction
10 of the committee.

11 Examinations for licensure as a physician assistant may be
12 required by the committee under a uniform examination system,
13 and for that purpose the committee may make those arrangements
14 with organizations furnishing examination material as may, in its
15 discretion, be desirable. The committee shall, however, establish
16 a passing score for each examination. The licensure examination
17 for physician assistants shall be held by the committee at least
18 once a year with such additional examinations as the committee
19 deems necessary. The time and place of examination shall be fixed
20 by the committee.

21 ~~SEC. 36.~~

22 ~~SEC. 37.~~ Section 3518 of the Business and Professions Code
23 is amended to read:

24 3518. The committee shall keep current, two separate registers,
25 one for approved supervising physicians and one for licensed
26 physician's assistants, by specialty if applicable. These registers
27 shall show the name of each licensee, his or her last known address
28 of record, and the date of his or her licensure or approval. Any
29 interested person is entitled to obtain a copy of the register in
30 accordance with the Information Practices Act of 1977 (Chapter
31 1 (commencing with Section 1798) of Title 1.8 of Part 4 of
32 Division 3 of the Civil Code) upon application to the committee
33 together with a sum as may be fixed by the committee, which
34 amount shall not exceed the cost of this list so furnished.

35 ~~SEC. 37.~~ ~~Section 3625 of the Business and Professions Code~~
36 ~~is amended to read:~~

37 ~~3625. (a) The Director of Consumer Affairs shall establish an~~
38 ~~advisory council consisting of nine members. Members of the~~
39 ~~advisory council shall include three members who are California~~
40 ~~licensed naturopathic doctors, or have met the requirements for~~

1 ~~licensure pursuant to this chapter, three members who are~~
2 ~~California licensed physicians and surgeons, and three public~~
3 ~~members.~~

4 ~~(b) A member of the advisory council shall be appointed for a~~
5 ~~four-year term. A person shall not serve as a member of the council~~
6 ~~for more than two consecutive terms. A member shall hold office~~
7 ~~until the appointment and qualification of his or her successor, or~~
8 ~~until one year from the expiration of the term for which the member~~
9 ~~was appointed, whichever first occurs. Vacancies shall be filled~~
10 ~~by appointment for unexpired terms. The first terms of the members~~
11 ~~first appointed shall be as follows:~~

12 ~~(1) The Governor shall appoint one physician and surgeon~~
13 ~~member, one naturopathic doctor member, and one public member,~~
14 ~~with term expirations of June 1, 2006; one physician and surgeon~~
15 ~~member with a term expiration date of June 1, 2007; and one~~
16 ~~naturopathic doctor member with a term expiration date of June~~
17 ~~1, 2008.~~

18 ~~(2) The Senate Committee on Rules shall appoint one physician~~
19 ~~and surgeon member with a term expiration of June 1, 2008, and~~
20 ~~one public member with a term expiration of June 1, 2007.~~

21 ~~(3) The Speaker of the Assembly shall appoint one naturopathic~~
22 ~~doctor member with a term expiration of June 1, 2007, and one~~
23 ~~public member with a term expiration of June 1, 2008.~~

24 ~~(e) (1) A public member of the advisory council shall be a~~
25 ~~citizen of this state for at least five years preceding his or her~~
26 ~~appointment.~~

27 ~~(2) A person shall not be appointed as a public member if the~~
28 ~~person or the person's immediate family in any manner owns an~~
29 ~~interest in a college, school, or institution engaged in naturopathic~~
30 ~~education, or the person or the person's immediate family has an~~
31 ~~economic interest in naturopathy or has any other conflict of~~
32 ~~interest. "Immediate family" means the public member's spouse,~~
33 ~~parents, children, or his or her children's spouses.~~

34 ~~(d) In order to operate in as cost-effective a manner as possible,~~
35 ~~the advisory council and any advisory committee created pursuant~~
36 ~~to this chapter shall meet as few times as necessary to perform its~~
37 ~~duties.~~

38 SEC. 38. Section 3635 of the Business and Professions Code
39 is amended to read:

1 3635. (a) In addition to any other qualifications and
2 requirements for licensure renewal, the bureau shall require the
3 satisfactory completion of 60 hours of approved continuing
4 education biennially. This requirement is waived for the initial
5 license renewal. The continuing education shall meet the following
6 requirements:

7 (1) At least 20 hours shall be in pharmacotherapeutics.

8 (2) No more than 15 hours may be in naturopathic medical
9 journals or osteopathic or allopathic medical journals, or audio or
10 videotaped presentations, slides, programmed instruction, or
11 computer-assisted instruction or preceptorships.

12 (3) No more than 20 hours may be in any single topic.

13 (4) No more than 15 hours of the continuing education
14 requirements for the specialty certificate in naturopathic childbirth
15 attendance shall apply to the 60 hours of continuing education
16 requirement.

17 (b) The continuing education requirements of this section may
18 be met through continuing education courses approved by the
19 bureau, the California Naturopathic Doctors Association, the
20 American Association of Naturopathic Physicians, the California
21 State Board of Pharmacy, the State Board of Chiropractic
22 Examiners, or other courses that meet the standards for continuing
23 education for licensed physicians and surgeons in California.

24 SEC. 38.5. Section 3635 of the Business and Professions Code
25 is amended to read:

26 3635. (a) In addition to any other qualifications and
27 requirements for licensure renewal, the committee shall require
28 the satisfactory completion of 60 hours of approved continuing
29 education biennially. This requirement is waived for the initial
30 license renewal. The continuing education shall meet the following
31 requirements:

32 (1) At least 20 hours shall be in pharmacotherapeutics.

33 (2) No more than 15 hours may be in naturopathic medical
34 journals or osteopathic or allopathic medical journals, or audio or
35 videotaped presentations, slides, programmed instruction, or
36 computer-assisted instruction or preceptorships.

37 (3) No more than 20 hours may be in any single topic.

38 (4) No more than 15 hours of the continuing education
39 requirements for the specialty certificate in naturopathic childbirth

1 attendance shall apply to the 60 hours of continuing education
2 requirement.

3 (b) The continuing education requirements of this section may
4 be met through continuing education courses approved by the
5 committee, the California Naturopathic Doctors Association, the
6 American Association of Naturopathic Physicians, the California
7 State Board of Pharmacy, the State Board of Chiropractic
8 Examiners, or other courses that meet the standards for continuing
9 education for licensed physicians and surgeons in California.

10 SEC. 39. Section 3636 of the Business and Professions Code
11 is amended to read:

12 3636. (a) Upon a written request, the bureau may grant inactive
13 status to a naturopathic doctor who is in good standing and who
14 meets the requirements of Section 462.

15 (b) A person whose license is in inactive status may not engage
16 in any activity for which a license is required under this chapter.

17 (c) A person whose license is in inactive status shall be exempt
18 from continuing education requirements while his or her license
19 is in that status.

20 (d) To restore a license to active status, a person whose license
21 is in inactive status must fulfill continuing education requirements
22 for the two-year period prior to reactivation, and be current with
23 all licensing fees as determined by the bureau.

24 SEC. 39.5. Section 3636 of the Business and Professions Code
25 is amended to read:

26 3636. (a) Upon a written request, the committee may grant
27 inactive status to a naturopathic doctor who is in good standing
28 and who meets the requirements of Section 462.

29 (b) A person whose license is in inactive status may not engage
30 in any activity for which a license is required under this chapter.

31 (c) A person whose license is in inactive status shall be exempt
32 from continuing education requirements while his or her license
33 is in that status.

34 (d) To restore a license to active status, a person whose license
35 is in inactive status must fulfill continuing education requirements
36 for the two-year period prior to reactivation, and be current with
37 all licensing fees as determined by the committee.

38 SEC. 40. Section 3753.5 of the Business and Professions Code
39 is amended to read:

1 3753.5. (a) In any order issued in resolution of a disciplinary
2 proceeding before the board, the board or the administrative law
3 judge may direct any practitioner or applicant found to have
4 committed a violation or violations of law or any term and
5 condition of board probation to pay to the board a sum not to
6 exceed the costs of the investigation and prosecution of the case.
7 A certified copy of the actual costs, or a good faith estimate of
8 costs where actual costs are not available, signed by the official
9 custodian of the record or his or her designated representative shall
10 be prima facie evidence of the actual costs of the investigation and
11 prosecution of the case.

12 (b) The costs shall be assessed by the administrative law judge
13 and shall not be increased by the board; however, the costs may
14 be imposed or increased by the board if it does not adopt the
15 proposed decision of the case.

16 Where an order for recovery of costs is made and timely payment
17 is not made as directed in the board's decision the board may
18 enforce the order for repayment in any appropriate court. This
19 right of enforcement shall be in addition to any other rights the
20 board may have as to any practitioner directed to pay costs.

21 (c) In any action for recovery of costs, proof of the board's
22 decision shall be conclusive proof of the validity of the order of
23 payment and the terms for payment.

24 (d) (1) The board shall not renew or reinstate the license of any
25 licensee who has failed to pay all of the costs ordered under this
26 section.

27 (2) Notwithstanding paragraph (1), the board may, in its
28 discretion, conditionally renew, for a maximum of one year, the
29 license of any licensee who demonstrates financial hardship,
30 through documentation satisfactory to the board, and who enters
31 into a formal agreement with the board to reimburse the board
32 within that one-year period for those unpaid costs.

33 SEC. 41. Section 4022.5 of the Business and Professions Code
34 is amended to read:

35 4022.5. (a) "Designated representative" means an individual
36 to whom a license has been granted pursuant to Section 4053. A
37 pharmacist fulfilling the duties of Section 4053 shall not be
38 required to obtain a license as a designated representative.

39 (b) "Designated representative-in-charge" means a designated
40 representative or a pharmacist proposed by a wholesaler or

1 veterinary food-animal drug retailer and approved by the board as
2 the supervisor or manager responsible for ensuring the wholesaler's
3 or veterinary food-animal drug retailer's compliance with all state
4 and federal laws and regulations pertaining to practice in the
5 applicable license category.

6 SEC. 42. Section 4027 of the Business and Professions Code
7 is amended to read:

8 4027. (a) As used in this chapter, the terms "skilled nursing
9 facility," "intermediate care facility," and other references to health
10 facilities shall be construed with respect to the definitions contained
11 in Article 1 (commencing with Section 1250) of Chapter 2 of
12 Division 2 of the Health and Safety Code.

13 (b) As used in Section 4052.1, "licensed health care facility"
14 means a facility licensed pursuant to Article 1 (commencing with
15 Section 1250) of Chapter 2 of Division 2 of the Health and Safety
16 Code or a facility, as defined in Section 1250 of the Health and
17 Safety Code, operated by a health care service plan licensed
18 pursuant to Chapter 2.2 (commencing with Section 1340) of
19 Division 2 of the Health and Safety Code.

20 (c) As used in Section 4052.2, "health care facility" means a
21 facility, other than a facility licensed under Division 2
22 (commencing with Section 1200) of the Health and Safety Code,
23 that is owned or operated by a health care service plan licensed
24 pursuant to Chapter 2.2 (commencing with Section 1340) of the
25 Health and Safety Code, or by an organization under common
26 ownership or control of the health care service plan; "licensed
27 home health agency" means a private or public organization
28 licensed by the State Department of Public Health pursuant to
29 Chapter 8 (commencing with Section 1725) of Division 2 of the
30 Health and Safety Code, as further defined in Section 1727 of the
31 Health and Safety Code; and "licensed clinic" means a clinic
32 licensed pursuant to Article 1 (commencing with Section 1200)
33 of Chapter 1 of Division 2 of the Health and Safety Code.

34 (d) "Licensed health care facility" or "facility," as used in
35 Section 4065, means a health facility licensed pursuant to Article
36 1 (commencing with Section 1250) of Chapter 2 of Division 2 of
37 the Health and Safety Code or a facility that is owned or operated
38 by a health care service plan licensed pursuant to Chapter 2.2
39 (commencing with Section 1340) of Division 2 of the Health and

1 Safety Code or by an organization under common ownership or
2 control with the health care service plan.

3 SEC. 43. Section 4036.5 is added to the Business and
4 Professions Code, to read:

5 4036.5. “Pharmacist-in-charge” means a pharmacist proposed
6 by a pharmacy and approved by the board as the supervisor or
7 manager responsible for ensuring the pharmacy’s compliance with
8 all state and federal laws and regulations pertaining to the practice
9 of pharmacy.

10 SEC. 44. Section 4040 of the Business and Professions Code
11 is amended to read:

12 4040. (a) “Prescription” means an oral, written, or electronic
13 transmission order that is both of the following:

14 (1) Given individually for the person or persons for whom
15 ordered that includes all of the following:

16 (A) The name or names and address of the patient or patients.

17 (B) The name and quantity of the drug or device prescribed and
18 the directions for use.

19 (C) The date of issue.

20 (D) Either rubber stamped, typed, or printed by hand or typeset,
21 the name, address, and telephone number of the prescriber, his or
22 her license classification, and his or her federal registry number,
23 if a controlled substance is prescribed.

24 (E) A legible, clear notice of the condition for which the drug
25 is being prescribed, if requested by the patient or patients.

26 (F) If in writing, signed by the prescriber issuing the order, or
27 the certified nurse-midwife, nurse practitioner, physician assistant,
28 or naturopathic doctor who issues a drug order pursuant to Section
29 2746.51, 2836.1, 3502.1, or 3640.5, respectively, or the pharmacist
30 who issues a drug order pursuant to either Section 4052.1 or
31 4052.2.

32 (2) Issued by a physician, dentist, optometrist, podiatrist,
33 veterinarian, or naturopathic doctor pursuant to Section 3640.7 or,
34 if a drug order is issued pursuant to Section 2746.51, 2836.1,
35 3502.1, or 3460.5, by a certified nurse-midwife, nurse practitioner,
36 physician assistant, or naturopathic doctor licensed in this state,
37 or pursuant to either Section 4052.1 or 4052.2 by a pharmacist
38 licensed in this state.

39 (b) Notwithstanding subdivision (a), a written order of the
40 prescriber for a dangerous drug, except for any Schedule II

1 controlled substance, that contains at least the name and signature
2 of the prescriber, the name and address of the patient in a manner
3 consistent with paragraph (2) of subdivision (a) of Section 11164
4 of the Health and Safety Code, the name and quantity of the drug
5 prescribed, directions for use, and the date of issue may be treated
6 as a prescription by the dispensing pharmacist as long as any
7 additional information required by subdivision (a) is readily
8 retrievable in the pharmacy. In the event of a conflict between this
9 subdivision and Section 11164 of the Health and Safety Code,
10 Section 11164 of the Health and Safety Code shall prevail.

11 (c) “Electronic transmission prescription” includes both image
12 and data prescriptions. “Electronic image transmission
13 prescription” means any prescription order for which a facsimile
14 of the order is received by a pharmacy from a licensed prescriber.
15 “Electronic data transmission prescription” means any prescription
16 order, other than an electronic image transmission prescription,
17 that is electronically transmitted from a licensed prescriber to a
18 pharmacy.

19 (d) The use of commonly used abbreviations shall not invalidate
20 an otherwise valid prescription.

21 (e) Nothing in the amendments made to this section (formerly
22 Section 4036) at the 1969 Regular Session of the Legislature shall
23 be construed as expanding or limiting the right that a chiropractor,
24 while acting within the scope of his or her license, may have to
25 prescribe a device.

26 SEC. 44.5. Section 4040 of the Business and Professions Code
27 is amended to read:

28 4040. (a) “Prescription” means an oral, written, or electronic
29 transmission order that is both of the following:

30 (1) Given individually for the person or persons for whom
31 ordered that includes all of the following:

32 (A) The name or names and address of the patient or patients.

33 (B) The name and quantity of the drug or device prescribed and
34 the directions for use.

35 (C) The date of issue.

36 (D) Either rubber stamped, typed, or printed by hand or typeset,
37 the name, address, and telephone number of the prescriber, his or
38 her license classification, and his or her federal registry number,
39 if a controlled substance is prescribed.

1 (E) A legible, clear notice of the condition or purpose for which
2 the drug is being prescribed, if requested by the patient or patients.

3 (F) If in writing, signed by the prescriber issuing the order, or
4 the certified nurse-midwife, nurse practitioner, physician assistant,
5 or naturopathic doctor who issues a drug order pursuant to Section
6 2746.51, 2836.1, 3502.1, or 3640.5, respectively, or the pharmacist
7 who issues a drug order pursuant to either Section 4052.1 or
8 4052.2.

9 (2) Issued by a physician, dentist, optometrist, podiatrist,
10 veterinarian, or naturopathic doctor pursuant to Section 3640.7 or,
11 if a drug order is issued pursuant to Section 2746.51, 2836.1,
12 3502.1, or 3640.5, by a certified nurse-midwife, nurse practitioner,
13 physician assistant, or naturopathic doctor licensed in this state,
14 or pursuant to either Section 4052.1 or 4052.2 by a pharmacist
15 licensed in this state.

16 (b) Notwithstanding subdivision (a), a written order of the
17 prescriber for a dangerous drug, except for any Schedule II
18 controlled substance, that contains at least the name and signature
19 of the prescriber, the name and address of the patient in a manner
20 consistent with paragraph (2) of subdivision (a) of Section 11164
21 of the Health and Safety Code, the name and quantity of the drug
22 prescribed, directions for use, and the date of issue may be treated
23 as a prescription by the dispensing pharmacist as long as any
24 additional information required by subdivision (a) is readily
25 retrievable in the pharmacy. In the event of a conflict between this
26 subdivision and Section 11164 of the Health and Safety Code,
27 Section 11164 of the Health and Safety Code shall prevail.

28 (c) “Electronic transmission prescription” includes both image
29 and data prescriptions. “Electronic image transmission
30 prescription” means any prescription order for which a facsimile
31 of the order is received by a pharmacy from a licensed prescriber.
32 “Electronic data transmission prescription” means any prescription
33 order, other than an electronic image transmission prescription,
34 that is electronically transmitted from a licensed prescriber to a
35 pharmacy.

36 (d) The use of commonly used abbreviations shall not invalidate
37 an otherwise valid prescription.

38 (e) Nothing in the amendments made to this section (formerly
39 Section 4036) at the 1969 Regular Session of the Legislature shall
40 be construed as expanding or limiting the right that a chiropractor,

1 while acting within the scope of his or her license, may have to
2 prescribe a device.

3 SEC. 45. Section 4051 of the Business and Professions Code
4 is amended to read:

5 4051. (a) Except as otherwise provided in this chapter, it is
6 unlawful for any person to manufacture, compound, furnish, sell,
7 or dispense any dangerous drug or dangerous device, or to dispense
8 or compound any prescription pursuant to Section 4040 of a
9 prescriber unless he or she is a pharmacist under this chapter.

10 (b) Notwithstanding any other law, a pharmacist may authorize
11 the initiation of a prescription, pursuant to Section 4052.1, 4052.2,
12 or 4052.3, and otherwise provide clinical advice or information or
13 patient consultation if all of the following conditions are met:

14 (1) The clinical advice or information or patient consultation is
15 provided to a health care professional or to a patient.

16 (2) The pharmacist has access to prescription, patient profile,
17 or other relevant medical information for purposes of patient and
18 clinical consultation and advice.

19 (3) Access to the information described in paragraph (2) is
20 secure from unauthorized access and use.

21 SEC. 46. Section 4059.5 of the Business and Professions Code
22 is amended to read:

23 4059.5. (a) Except as otherwise provided in this chapter,
24 dangerous drugs or dangerous devices may only be ordered by an
25 entity licensed by the board and shall be delivered to the licensed
26 premises and signed for and received by a pharmacist. Where a
27 licensee is permitted to operate through a designated representative,
28 the designated representative shall sign for and receive the delivery.

29 (b) A dangerous drug or dangerous device transferred, sold, or
30 delivered to a person within this state shall be transferred, sold, or
31 delivered only to an entity licensed by the board, to a manufacturer,
32 or to an ultimate user or the ultimate user's agent.

33 (c) Notwithstanding subdivisions (a) and (b), deliveries to a
34 hospital pharmacy may be made to a central receiving location
35 within the hospital. However, the dangerous drugs or dangerous
36 devices shall be delivered to the licensed pharmacy premises within
37 one working day following receipt by the hospital, and the
38 pharmacist on duty at that time shall immediately inventory the
39 dangerous drugs or dangerous devices.

(d) Notwithstanding any other provision of law, a dangerous drug or dangerous device may be ordered by and provided to a manufacturer, physician, dentist, podiatrist, optometrist, veterinarian, naturopathic doctor pursuant to Section 3640.7, or laboratory, or a physical therapist acting within the scope of his or her license. A person or entity receiving delivery of a dangerous drug or dangerous device, or a duly authorized representative of the person or entity, shall sign for the receipt of the dangerous drug or dangerous device.

(e) A dangerous drug or dangerous device shall not be transferred, sold, or delivered to a person outside this state, whether foreign or domestic, unless the transferor, seller, or deliverer does so in compliance with the laws of this state and of the United States and of the state or country to which the dangerous drugs or dangerous devices are to be transferred, sold, or delivered. Compliance with the laws of this state and the United States and of the state or country to which the dangerous drugs or dangerous devices are to be delivered shall include, but not be limited to, determining that the recipient of the dangerous drugs or dangerous devices is authorized by law to receive the dangerous drugs or dangerous devices.

(f) Notwithstanding subdivision (a), a pharmacy may take delivery of dangerous drugs and dangerous devices when the pharmacy is closed and no pharmacist is on duty if all of the following requirements are met:

(1) The drugs are placed in a secure storage facility in the same building as the pharmacy.

(2) Only the pharmacist-in-charge or a pharmacist designated by the pharmacist-in-charge has access to the secure storage facility after dangerous drugs or dangerous devices have been delivered.

(3) The secure storage facility has a means of indicating whether it has been entered after dangerous drugs or dangerous devices have been delivered.

(4) The pharmacy maintains written policies and procedures for the delivery of dangerous drugs and dangerous devices to a secure storage facility.

(5) The agent delivering dangerous drugs and dangerous devices pursuant to this subdivision leaves documents indicating the name and amount of each dangerous drug or dangerous device delivered in the secure storage facility.

1 The pharmacy shall be responsible for the dangerous drugs and
2 dangerous devices delivered to the secure storage facility. The
3 pharmacy shall also be responsible for obtaining and maintaining
4 records relating to the delivery of dangerous drugs and dangerous
5 devices to a secure storage facility.

6 SEC. 47. Section 4060 of the Business and Professions Code
7 is amended to read:

8 4060. No person shall possess any controlled substance, except
9 that furnished to a person upon the prescription of a physician,
10 dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor
11 pursuant to Section 3640.7, or furnished pursuant to a drug order
12 issued by a certified nurse-midwife pursuant to Section 2746.51,
13 a nurse practitioner pursuant to Section 2836.1, a physician
14 assistant pursuant to Section 3502.1, a naturopathic doctor pursuant
15 to Section 3640.5, or a pharmacist pursuant to either Section 4052.1
16 or 4052.2. This section shall not apply to the possession of any
17 controlled substance by a manufacturer, wholesaler, pharmacy,
18 pharmacist, physician, podiatrist, dentist, optometrist, veterinarian,
19 naturopathic doctor, certified nurse-midwife, nurse practitioner,
20 or physician assistant, when in stock in containers correctly labeled
21 with the name and address of the supplier or producer.

22 Nothing in this section authorizes a certified nurse-midwife, a
23 nurse practitioner, a physician assistant, or a naturopathic doctor,
24 to order his or her own stock of dangerous drugs and devices.

25 SEC. 48. Section 4062 of the Business and Professions Code
26 is amended to read:

27 4062. (a) Notwithstanding Section 4059 or any other provision
28 of law, a pharmacist may, in good faith, furnish a dangerous drug
29 or dangerous device in reasonable quantities without a prescription
30 during a federal, state, or local emergency, to further the health
31 and safety of the public. A record containing the date, name, and
32 address of the person to whom the drug or device is furnished, and
33 the name, strength, and quantity of the drug or device furnished
34 shall be maintained. The pharmacist shall communicate this
35 information to the patient's attending physician as soon as possible.
36 Notwithstanding Section 4060 or any other provision of law, a
37 person may possess a dangerous drug or dangerous device
38 furnished without prescription pursuant to this section.

39 (b) During a declared federal, state, or local emergency, the
40 board may waive application of any provisions of this chapter or

1 the regulations adopted pursuant to it if, in the board's opinion,
2 the waiver will aid in the protection of public health or the
3 provision of patient care.

4 (c) During a declared federal, state, or local emergency, the
5 board shall allow for the employment of a mobile pharmacy in
6 impacted areas in order to ensure the continuity of patient care, if
7 all of the following conditions are met:

8 (1) The mobile pharmacy shares common ownership with at
9 least one currently licensed pharmacy in good standing.

10 (2) The mobile pharmacy retains records of dispensing, as
11 required by subdivision (a).

12 (3) A licensed pharmacist is on the premises and the mobile
13 pharmacy is under the control and management of a pharmacist
14 while the drugs are being dispensed.

15 (4) Reasonable security measures are taken to safeguard the
16 drug supply maintained in the mobile pharmacy.

17 (5) The mobile pharmacy is located within the declared
18 emergency area or affected areas.

19 (6) The mobile pharmacy ceases the provision of services within
20 48 hours following the termination of the declared emergency.

21 SEC. 49. Section 4076 of the Business and Professions Code
22 is amended to read:

23 4076. (a) A pharmacist shall not dispense any prescription
24 except in a container that meets the requirements of state and
25 federal law and is correctly labeled with all of the following:

26 (1) Except where the prescriber or the certified nurse-midwife
27 who functions pursuant to a standardized procedure or protocol
28 described in Section 2746.51, the nurse practitioner who functions
29 pursuant to a standardized procedure described in Section 2836.1,
30 or protocol, the physician assistant who functions pursuant to
31 Section 3502.1, the naturopathic doctor who functions pursuant
32 to a standardized procedure or protocol described in Section
33 3640.5, or the pharmacist who functions pursuant to a policy,
34 procedure, or protocol pursuant to either Section 4052.1 or 4052.2
35 orders otherwise, either the manufacturer's trade name of the drug
36 or the generic name and the name of the manufacturer. Commonly
37 used abbreviations may be used. Preparations containing two or
38 more active ingredients may be identified by the manufacturer's
39 trade name or the commonly used name or the principal active
40 ingredients.

1 (2) The directions for the use of the drug.

2 (3) The name of the patient or patients.

3 (4) The name of the prescriber or, if applicable, the name of the
4 certified nurse-midwife who functions pursuant to a standardized
5 procedure or protocol described in Section 2746.51, the nurse
6 practitioner who functions pursuant to a standardized procedure
7 described in Section 2836.1, or protocol, the physician assistant
8 who functions pursuant to Section 3502.1, the naturopathic doctor
9 who functions pursuant to a standardized procedure or protocol
10 described in Section 3640.5, or the pharmacist who functions
11 pursuant to a policy, procedure, or protocol pursuant to either
12 Section 4052.1 or 4052.2.

13 (5) The date of issue.

14 (6) The name and address of the pharmacy, and prescription
15 number or other means of identifying the prescription.

16 (7) The strength of the drug or drugs dispensed.

17 (8) The quantity of the drug or drugs dispensed.

18 (9) The expiration date of the effectiveness of the drug
19 dispensed.

20 (10) The condition for which the drug was prescribed if
21 requested by the patient and the condition is indicated on the
22 prescription.

23 (11) (A) Commencing January 1, 2006, the physical description
24 of the dispensed medication, including its color, shape, and any
25 identification code that appears on the tablets or capsules, except
26 as follows:

27 (i) Prescriptions dispensed by a veterinarian.

28 (ii) An exemption from the requirements of this paragraph shall
29 be granted to a new drug for the first 120 days that the drug is on
30 the market and for the 90 days during which the national reference
31 file has no description on file.

32 (iii) Dispensed medications for which no physical description
33 exists in any commercially available database.

34 (B) This paragraph applies to outpatient pharmacies only.

35 (C) The information required by this paragraph may be printed
36 on an auxiliary label that is affixed to the prescription container.

37 (D) This paragraph shall not become operative if the board,
38 prior to January 1, 2006, adopts regulations that mandate the same
39 labeling requirements set forth in this paragraph.

(b) If a pharmacist dispenses a prescribed drug by means of a unit dose medication system, as defined by administrative regulation, for a patient in a skilled nursing, intermediate care, or other health care facility, the requirements of this section will be satisfied if the unit dose medication system contains the aforementioned information or the information is otherwise readily available at the time of drug administration.

(c) If a pharmacist dispenses a dangerous drug or device in a facility licensed pursuant to Section 1250 of the Health and Safety Code, it is not necessary to include on individual unit dose containers for a specific patient, the name of the certified nurse-midwife who functions pursuant to a standardized procedure or protocol described in Section 2746.51, the nurse practitioner who functions pursuant to a standardized procedure described in Section 2836.1, or protocol, the physician assistant who functions pursuant to Section 3502.1, the naturopathic doctor who functions pursuant to a standardized procedure or protocol described in Section 3640.5, or the pharmacist who functions pursuant to a policy, procedure, or protocol pursuant to either Section 4052.1 or 4052.2.

(d) If a pharmacist dispenses a prescription drug for use in a facility licensed pursuant to Section 1250 of the Health and Safety Code, it is not necessary to include the information required in paragraph (11) of subdivision (a) when the prescription drug is administered to a patient by a person licensed under the Medical Practice Act (Chapter 5 (commencing with Section 2000)), the Nursing Practice Act (Chapter 6 (commencing with Section 2700)), or the Vocational Nursing Practice Act (Chapter 6.5 (commencing with Section 2840)), who is acting within his or her scope of practice.

SEC. 49.5. Section 4076 of the Business and Professions Code is amended to read:

4076. (a) A pharmacist shall not dispense any prescription except in a container that meets the requirements of state and federal law and is correctly labeled with all of the following:

(1) Except where the prescriber or the certified nurse-midwife who functions pursuant to a standardized procedure or protocol described in Section 2746.51, the nurse practitioner who functions pursuant to a standardized procedure described in Section 2836.1, or protocol, the physician assistant who functions pursuant to

1 Section 3502.1, the naturopathic doctor who functions pursuant
2 to a standardized procedure or protocol described in Section
3 3640.5, or the pharmacist who functions pursuant to a policy,
4 procedure, or protocol pursuant to either Section 4052.1 or 4052.2
5 orders otherwise, either the manufacturer's trade name of the drug
6 or the generic name and the name of the manufacturer. Commonly
7 used abbreviations may be used. Preparations containing two or
8 more active ingredients may be identified by the manufacturer's
9 trade name or the commonly used name or the principal active
10 ingredients.

11 (2) The directions for the use of the drug.

12 (3) The name of the patient or patients.

13 (4) The name of the prescriber or, if applicable, the name of the
14 certified nurse-midwife who functions pursuant to a standardized
15 procedure or protocol described in Section 2746.51, the nurse
16 practitioner who functions pursuant to a standardized procedure
17 described in Section 2836.1, or protocol, the physician assistant
18 who functions pursuant to Section 3502.1, the naturopathic doctor
19 who functions pursuant to a standardized procedure or protocol
20 described in Section 3640.5, or the pharmacist who functions
21 pursuant to a policy, procedure, or protocol pursuant to either
22 Section 4052.1 or 4052.2.

23 (5) The date of issue.

24 (6) The name and address of the pharmacy, and prescription
25 number or other means of identifying the prescription.

26 (7) The strength of the drug or drugs dispensed.

27 (8) The quantity of the drug or drugs dispensed.

28 (9) The expiration date of the effectiveness of the drug
29 dispensed.

30 (10) The condition or purpose for which the drug was prescribed
31 if the condition or purpose is indicated on the prescription.

32 (11) (A) Commencing January 1, 2006, the physical description
33 of the dispensed medication, including its color, shape, and any
34 identification code that appears on the tablets or capsules, except
35 as follows:

36 (i) Prescriptions dispensed by a veterinarian.

37 (ii) An exemption from the requirements of this paragraph shall
38 be granted to a new drug for the first 120 days that the drug is on
39 the market and for the 90 days during which the national reference
40 file has no description on file.

(iii) Dispensed medications for which no physical description exists in any commercially available database.

(B) This paragraph applies to outpatient pharmacies only.

(C) The information required by this paragraph may be printed on an auxiliary label that is affixed to the prescription container.

(D) This paragraph shall not become operative if the board, prior to January 1, 2006, adopts regulations that mandate the same labeling requirements set forth in this paragraph.

(b) If a pharmacist dispenses a prescribed drug by means of a unit dose medication system, as defined by administrative regulation, for a patient in a skilled nursing, intermediate care, or other health care facility, the requirements of this section will be satisfied if the unit dose medication system contains the aforementioned information or the information is otherwise readily available at the time of drug administration.

(c) If a pharmacist dispenses a dangerous drug or device in a facility licensed pursuant to Section 1250 of the Health and Safety Code, it is not necessary to include on individual unit dose containers for a specific patient, the name of the certified nurse-midwife who functions pursuant to a standardized procedure or protocol described in Section 2746.51, the nurse practitioner who functions pursuant to a standardized procedure described in Section 2836.1, or protocol, the physician assistant who functions pursuant to Section 3502.1, the naturopathic doctor who functions pursuant to a standardized procedure or protocol described in Section 3640.5, or the pharmacist who functions pursuant to a policy, procedure, or protocol pursuant to either Section 4052.1 or 4052.2.

(d) If a pharmacist dispenses a prescription drug for use in a facility licensed pursuant to Section 1250 of the Health and Safety Code, it is not necessary to include the information required in paragraph (11) of subdivision (a) when the prescription drug is administered to a patient by a person licensed under the Medical Practice Act (Chapter 5 (commencing with Section 2000)), the Nursing Practice Act (Chapter 6 (commencing with Section 2700)), or the Vocational Nursing Practice Act (Chapter 6.5 (commencing with Section 2840)), who is acting within his or her scope of practice.

SEC. 50. Section 4081 of the Business and Professions Code is amended to read:

1 4081. (a) All records of manufacture and of sale, acquisition,
2 or disposition of dangerous drugs or dangerous devices shall be
3 at all times during business hours open to inspection by authorized
4 officers of the law, and shall be preserved for at least three years
5 from the date of making. A current inventory shall be kept by every
6 manufacturer, wholesaler, pharmacy, veterinary food-animal drug
7 retailer, physician, dentist, podiatrist, veterinarian, laboratory,
8 clinic, hospital, institution, or establishment holding a currently
9 valid and unrevoked certificate, license, permit, registration, or
10 exemption under Division 2 (commencing with Section 1200) of
11 the Health and Safety Code or under Part 4 (commencing with
12 Section 16000) of Division 9 of the Welfare and Institutions Code
13 who maintains a stock of dangerous drugs or dangerous devices.

14 (b) The owner, officer, and partner of a pharmacy, wholesaler,
15 or veterinary food-animal drug retailer shall be jointly responsible,
16 with the pharmacist-in-charge or designated
17 representative-in-charge, for maintaining the records and inventory
18 described in this section.

19 (c) The pharmacist-in-charge or designated
20 representative-in-charge shall not be criminally responsible for
21 acts of the owner, officer, partner, or employee that violate this
22 section and of which the pharmacist-in-charge or designated
23 representative-in-charge had no knowledge, or in which he or she
24 did not knowingly participate.

25 SEC. 51. Section 4110 of the Business and Professions Code
26 is amended to read:

27 4110. (a) No person shall conduct a pharmacy in the State of
28 California unless he or she has obtained a license from the board.
29 A license shall be required for each pharmacy owned or operated
30 by a specific person. A separate license shall be required for each
31 of the premises of any person operating a pharmacy in more than
32 one location. The license shall be renewed annually. The board
33 may, by regulation, determine the circumstances under which a
34 license may be transferred.

35 (b) The board may, at its discretion, issue a temporary permit,
36 when the ownership of a pharmacy is transferred from one person
37 to another, upon the conditions and for any periods of time as the
38 board determines to be in the public interest. A temporary permit
39 fee shall be established by the board at an amount not to exceed
40 the annual fee for renewal of a permit to conduct a pharmacy.

1 When needed to protect public safety, a temporary permit may be
2 issued for a period not to exceed 180 days, and may be issued
3 subject to terms and conditions the board deems necessary. If the
4 board determines a temporary permit was issued by mistake or
5 denies the application for a permanent license or registration, the
6 temporary license or registration shall terminate upon either
7 personal service of the notice of termination upon the permitholder
8 or service by certified mail, return receipt requested, at the
9 permitholder's address of record with the board, whichever comes
10 first. Neither for purposes of retaining a temporary permit nor for
11 purposes of any disciplinary or license denial proceeding before
12 the board shall the temporary permitholder be deemed to have a
13 vested property right or interest in the permit.

14 (c) The board may allow the temporary use of a mobile
15 pharmacy when a pharmacy is destroyed or damaged, the mobile
16 pharmacy is necessary to protect the health and safety of the public,
17 and the following conditions are met:

18 (1) The mobile pharmacy shall provide services only on or
19 immediately contiguous to the site of the damaged or destroyed
20 pharmacy.

21 (2) The mobile pharmacy is under the control and management
22 of the pharmacist-in-charge of the pharmacy that was destroyed
23 or damaged.

24 (3) A licensed pharmacist is on the premises while drugs are
25 being dispensed.

26 (4) Reasonable security measures are taken to safeguard the
27 drug supply maintained in the mobile pharmacy.

28 (5) The pharmacy operating the mobile pharmacy provides the
29 board with records of the destruction of, or damage to, the
30 pharmacy and an expected restoration date.

31 (6) Within three calendar days of restoration of the pharmacy
32 services, the board is provided with notice of the restoration of the
33 permanent pharmacy.

34 (7) The mobile pharmacy is not operated for more than 48 hours
35 following the restoration of the permanent pharmacy.

36 SEC. 51.5. Section 4110 of the Business and Professions Code
37 is amended to read:

38 4110. (a) No person shall conduct a pharmacy in the State of
39 California unless he or she has obtained a license from the board.
40 A license shall be required for each pharmacy owned or operated

1 by a specific person. A separate license shall be required for each
2 of the premises of any person operating a pharmacy in more than
3 one location. The license shall be renewed annually. The board
4 may, by regulation, determine the circumstances under which a
5 license may be transferred.

6 (b) The board may, at its discretion, issue a temporary permit,
7 when the ownership of a pharmacy is transferred from one person
8 to another, upon the conditions and for any periods of time as the
9 board determines to be in the public interest. A temporary permit
10 fee shall be required in an amount established by the board as
11 specified in subdivision (a) of Section 4400. When needed to
12 protect public safety, a temporary permit may be issued for a period
13 not to exceed 180 days, and may be issued subject to terms and
14 conditions the board deems necessary. If the board determines a
15 temporary permit was issued by mistake or denies the application
16 for a permanent license or registration, the temporary license or
17 registration shall terminate upon either personal service of the
18 notice of termination upon the permitholder or service by certified
19 mail, return receipt requested, at the permitholder's address of
20 record with the board, whichever comes first. Neither for purposes
21 of retaining a temporary permit nor for purposes of any disciplinary
22 or license denial proceeding before the board shall the temporary
23 permitholder be deemed to have a vested property right or interest
24 in the permit.

25 (c) The board may allow the temporary use of a mobile
26 pharmacy when a pharmacy is destroyed or damaged, the mobile
27 pharmacy is necessary to protect the health and safety of the public,
28 and the following conditions are met:

29 (1) The mobile pharmacy shall provide services only on or
30 immediately contiguous to the site of the damaged or destroyed
31 pharmacy.

32 (2) The mobile pharmacy is under the control and management
33 of the pharmacist-in-charge of the pharmacy that was destroyed
34 or damaged.

35 (3) A licensed pharmacist is on the premises while drugs are
36 being dispensed.

37 (4) Reasonable security measures are taken to safeguard the
38 drug supply maintained in the mobile pharmacy.

1 (5) The pharmacy operating the mobile pharmacy provides the
2 board with records of the destruction of, or damage to, the
3 pharmacy and an expected restoration date.

4 (6) Within three calendar days of restoration of the pharmacy
5 services, the board is provided with notice of the restoration of the
6 permanent pharmacy.

7 (7) The mobile pharmacy is not operated for more than 48 hours
8 following the restoration of the permanent pharmacy.

9 SEC. 52. Section 4111 of the Business and Professions Code
10 is amended to read:

11 4111. (a) Except as otherwise provided in subdivision (b), (d),
12 or (e), the board shall not issue or renew a license to conduct a
13 pharmacy to any of the following:

14 (1) A person or persons authorized to prescribe or write a
15 prescription, as specified in Section 4040, in the State of California.

16 (2) A person or persons with whom a person or persons specified
17 in paragraph (1) shares a community or other financial interest in
18 the permit sought.

19 (3) Any corporation that is controlled by, or in which 10 percent
20 or more of the stock is owned by a person or persons prohibited
21 from pharmacy ownership by paragraph (1) or (2).

22 (b) Subdivision (a) shall not preclude the issuance of a permit
23 for an inpatient hospital pharmacy to the owner of the hospital in
24 which it is located.

25 (c) The board may require any information the board deems is
26 reasonably necessary for the enforcement of this section.

27 (d) Subdivision (a) shall not preclude the issuance of a new or
28 renewal license for a pharmacy to be owned or owned and operated
29 by a person licensed on or before August 1, 1981, under the
30 Knox-Keene Health Care Service Plan Act of 1975 (Chapter 2.2
31 (commencing with Section 1340) of Division 2 of the Health and
32 Safety Code) and qualified on or before August 1, 1981, under
33 subsection (d) of Section 1310 of Title XIII of the federal Public
34 Health Service Act, as amended, whose ownership includes persons
35 defined pursuant to paragraphs (1) and (2) of subdivision (a).

36 (e) Subdivision (a) shall not preclude the issuance of a new or
37 renewal license for a pharmacy to be owned or owned and operated
38 by a pharmacist authorized to issue a drug order pursuant to either
39 Section 4052.1 or 4052.2.

1 SEC. 53. Section 4126.5 of the Business and Professions Code
2 is amended to read:

3 4126.5. (a) A pharmacy may furnish dangerous drugs only to
4 the following:

5 (1) A wholesaler owned or under common control by the
6 wholesaler from whom the dangerous drug was acquired.

7 (2) The pharmaceutical manufacturer from whom the dangerous
8 drug was acquired.

9 (3) A licensed wholesaler acting as a reverse distributor.

10 (4) Another pharmacy or wholesaler to alleviate a temporary
11 shortage of a dangerous drug that could result in the denial of
12 health care. A pharmacy furnishing dangerous drugs pursuant to
13 this paragraph may only furnish a quantity sufficient to alleviate
14 the temporary shortage.

15 (5) A patient or to another pharmacy pursuant to a prescription
16 or as otherwise authorized by law.

17 (6) A health care provider that is not a pharmacy but that is
18 authorized to purchase dangerous drugs.

19 (7) To another pharmacy under common control.

20 (b) Notwithstanding any other provision of law, a violation of
21 this section may subject the person or persons who committed the
22 violation to a fine not to exceed the amount specified in Section
23 125.9 for each occurrence pursuant to a citation issued by the
24 board.

25 (c) Amounts due from any person under this section on or after
26 January 1, 2005, shall be offset as provided under Section 12419.5
27 of the Government Code. Amounts received by the board under
28 this section shall be deposited into the Pharmacy Board Contingent
29 Fund.

30 (d) For purposes of this section, “common control” means the
31 power to direct or cause the direction of the management and
32 policies of another person whether by ownership, by voting rights,
33 by contract, or by other means.

34 SEC. 54. Section 4161 of the Business and Professions Code
35 is amended to read:

36 4161. (a) A person located outside this state that (1) ships,
37 sells, mails, or delivers dangerous drugs or dangerous devices into
38 this state or (2) sells, brokers, or distributes dangerous drugs or
39 devices within this state shall be considered a nonresident
40 wholesaler.

1 (b) A nonresident wholesaler shall be licensed by the board
2 prior to shipping, selling, mailing, or delivering dangerous drugs
3 or dangerous devices to a site located in this state or selling,
4 brokering, or distributing dangerous drugs or devices within this
5 state.

6 (c) A separate license shall be required for each place of business
7 owned or operated by a nonresident wholesaler from or through
8 which dangerous drugs or dangerous devices are shipped, sold,
9 mailed, or delivered to a site located in this state or sold, brokered,
10 or distributed within this state. A license shall be renewed annually
11 and shall not be transferable.

12 (d) The following information shall be reported, in writing, to
13 the board at the time of initial application for licensure by a
14 nonresident wholesaler, on renewal of a nonresident wholesaler
15 license, or within 30 days of a change in that information:

16 (1) Its agent for service of process in this state.

17 (2) Its principal corporate officers, as specified by the board, if
18 any.

19 (3) Its general partners, as specified by the board, if any.

20 (4) Its owners if the applicant is not a corporation or partnership.

21 (e) A report containing the information in subdivision (d) shall
22 be made within 30 days of any change of ownership, office,
23 corporate officer, or partner.

24 (f) A nonresident wholesaler shall comply with all directions
25 and requests for information from the regulatory or licensing
26 agency of the state in which it is licensed, as well as with all
27 requests for information made by the board.

28 (g) A nonresident wholesaler shall maintain records of dangerous
29 drugs and dangerous devices sold, traded, or transferred to persons
30 in this state or within this state, so that the records are in a readily
31 retrievable form.

32 (h) A nonresident wholesaler shall at all times maintain a valid,
33 unexpired license, permit, or registration to conduct the business
34 of the wholesaler in compliance with the laws of the state in which
35 it is a resident. An application for a nonresident wholesaler license
36 in this state shall include a license verification from the licensing
37 authority in the applicant's state of residence.

38 (i) The board may not issue or renew a nonresident wholesaler
39 license until the nonresident wholesaler identifies a designated
40 representative-in-charge and notifies the board in writing of the

1 identity and license number of the designated
2 representative-in-charge.

3 (j) The designated representative-in-charge shall be responsible
4 for the nonresident wholesaler's compliance with state and federal
5 laws governing wholesalers. A nonresident wholesaler shall
6 identify and notify the board of a new designated
7 representative-in-charge within 30 days of the date that the prior
8 designated representative-in-charge ceases to be the designated
9 representative-in-charge.

10 (k) The board may issue a temporary license, upon conditions
11 and for periods of time as the board determines to be in the public
12 interest. A temporary license fee shall be five hundred fifty dollars
13 (\$550) or another amount established by the board not to exceed
14 the annual fee for renewal of a license to compound injectable
15 sterile drug products. When needed to protect public safety, a
16 temporary license may be issued for a period not to exceed 180
17 days, subject to terms and conditions that the board deems
18 necessary. If the board determines that a temporary license was
19 issued by mistake or denies the application for a permanent license,
20 the temporary license shall terminate upon either personal service
21 of the notice of termination upon the licenseholder or service by
22 certified mail, return receipt requested, at the licenseholder's
23 address of record with the board, whichever occurs first. Neither
24 for purposes of retaining a temporary license, nor for purposes of
25 any disciplinary or license denial proceeding before the board,
26 shall the temporary licenseholder be deemed to have a vested
27 property right or interest in the license.

28 (l) The registration fee shall be the fee specified in subdivision
29 (f) of Section 4400.

30 SEC. 55. Section 4174 of the Business and Professions Code
31 is amended to read:

32 4174. Notwithstanding any other provision of law, a pharmacist
33 may dispense drugs or devices upon the drug order of a nurse
34 practitioner functioning pursuant to Section 2836.1 or a certified
35 nurse-midwife functioning pursuant to Section 2746.51, a drug
36 order of a physician assistant functioning pursuant to Section
37 3502.1 or a naturopathic doctor functioning pursuant to Section
38 3640.5, or the order of a pharmacist acting under Section 4052.1,
39 4052.2, or 4052.3.

1 SEC. 56. Section 4231 of the Business and Professions Code
2 is amended to read:

3 4231. (a) The board shall not renew a pharmacist license unless
4 the applicant submits proof satisfactory to the board that he or she
5 has successfully completed 30 hours of approved courses of
6 continuing pharmacy education during the two years preceding
7 the application for renewal.

8 (b) Notwithstanding subdivision (a), the board shall not require
9 completion of continuing education for the first renewal of a
10 pharmacist license.

11 (c) If an applicant for renewal of a pharmacist license submits
12 the renewal application and payment of the renewal fee but does
13 not submit proof satisfactory to the board that the licensee has
14 completed 30 hours of continuing pharmacy education, the board
15 shall not renew the license and shall issue the applicant an inactive
16 pharmacist license. A licensee with an inactive pharmacist license
17 issued pursuant to this section may obtain an active pharmacist
18 license by paying the renewal fees due and submitting satisfactory
19 proof to the board that the licensee has completed 30 hours of
20 continuing pharmacy education.

21 (d) If, as part of an investigation or audit conducted by the board,
22 a pharmacist fails to provide documentation substantiating the
23 completion of continuing education as required in subdivision (a),
24 the board shall cancel the active pharmacist license and issue an
25 inactive pharmacist license in its place. A licensee with an inactive
26 pharmacist license issued pursuant to this section may obtain an
27 active pharmacist license by paying the renewal fees due and
28 submitting satisfactory proof to the board that the licensee has
29 completed 30 hours of continuing pharmacy education.

30 SEC. 57. Section 4301 of the Business and Professions Code
31 is amended to read:

32 4301. The board shall take action against any holder of a license
33 who is guilty of unprofessional conduct or whose license has been
34 procured by fraud or misrepresentation or issued by mistake.
35 Unprofessional conduct shall include, but is not limited to, any of
36 the following:

37 (a) Gross immorality.

38 (b) Incompetence.

39 (c) Gross negligence.

1 (d) The clearly excessive furnishing of controlled substances
2 in violation of subdivision (a) of Section 11153 of the Health and
3 Safety Code.

4 (e) The clearly excessive furnishing of controlled substances in
5 violation of subdivision (a) of Section 11153.5 of the Health and
6 Safety Code. Factors to be considered in determining whether the
7 furnishing of controlled substances is clearly excessive shall
8 include, but not be limited to, the amount of controlled substances
9 furnished, the previous ordering pattern of the customer (including
10 size and frequency of orders), the type and size of the customer,
11 and where and to whom the customer distributes its product.

12 (f) The commission of any act involving moral turpitude,
13 dishonesty, fraud, deceit, or corruption, whether the act is
14 committed in the course of relations as a licensee or otherwise,
15 and whether the act is a felony or misdemeanor or not.

16 (g) Knowingly making or signing any certificate or other
17 document that falsely represents the existence or nonexistence of
18 a state of facts.

19 (h) The administering to oneself, of any controlled substance,
20 or the use of any dangerous drug or of alcoholic beverages to the
21 extent or in a manner as to be dangerous or injurious to oneself,
22 to a person holding a license under this chapter, or to any other
23 person or to the public, or to the extent that the use impairs the
24 ability of the person to conduct with safety to the public the practice
25 authorized by the license.

26 (i) Except as otherwise authorized by law, knowingly selling,
27 furnishing, giving away, or administering, or offering to sell,
28 furnish, give away, or administer, any controlled substance to an
29 addict.

30 (j) The violation of any of the statutes of this state, of any other
31 state, or of the United States regulating controlled substances and
32 dangerous drugs.

33 (k) The conviction of more than one misdemeanor or any felony
34 involving the use, consumption, or self-administration of any
35 dangerous drug or alcoholic beverage, or any combination of those
36 substances.

37 (l) The conviction of a crime substantially related to the
38 qualifications, functions, and duties of a licensee under this chapter.
39 The record of conviction of a violation of Chapter 13 (commencing
40 with Section 801) of Title 21 of the United States Code regulating

1 controlled substances or of a violation of the statutes of this state
2 regulating controlled substances or dangerous drugs shall be
3 conclusive evidence of unprofessional conduct. In all other cases,
4 the record of conviction shall be conclusive evidence only of the
5 fact that the conviction occurred. The board may inquire into the
6 circumstances surrounding the commission of the crime, in order
7 to fix the degree of discipline or, in the case of a conviction not
8 involving controlled substances or dangerous drugs, to determine
9 if the conviction is of an offense substantially related to the
10 qualifications, functions, and duties of a licensee under this chapter.
11 A plea or verdict of guilty or a conviction following a plea of nolo
12 contendere is deemed to be a conviction within the meaning of
13 this provision. The board may take action when the time for appeal
14 has elapsed, or the judgment of conviction has been affirmed on
15 appeal or when an order granting probation is made suspending
16 the imposition of sentence, irrespective of a subsequent order under
17 Section 1203.4 of the Penal Code allowing the person to withdraw
18 his or her plea of guilty and to enter a plea of not guilty, or setting
19 aside the verdict of guilty, or dismissing the accusation,
20 information, or indictment.

21 (m) The cash compromise of a charge of violation of Chapter
22 13 (commencing with Section 801) of Title 21 of the United States
23 Code regulating controlled substances or of Chapter 7
24 (commencing with Section 14000) of Part 3 of Division 9 of the
25 Welfare and Institutions Code relating to the Medi-Cal program.
26 The record of the compromise is conclusive evidence of
27 unprofessional conduct.

28 (n) The revocation, suspension, or other discipline by another
29 state of a license to practice pharmacy, operate a pharmacy, or do
30 any other act for which a license is required by this chapter.

31 (o) Violating or attempting to violate, directly or indirectly, or
32 assisting in or abetting the violation of or conspiring to violate any
33 provision or term of this chapter or of the applicable federal and
34 state laws and regulations governing pharmacy, including
35 regulations established by the board or by any other state or federal
36 regulatory agency.

37 (p) Actions or conduct that would have warranted denial of a
38 license.

39 (q) Engaging in any conduct that subverts or attempts to subvert
40 an investigation of the board.

1 (r) The selling, trading, transferring, or furnishing of drugs
2 obtained pursuant to Section 256b of Title 42 of the United States
3 Code to any person a licensee knows or reasonably should have
4 known, not to be a patient of a covered entity, as defined in
5 paragraph (4) of subsection (a) of Section 256b of Title 42 of the
6 United States Code.

7 (s) The clearly excessive furnishing of dangerous drugs by a
8 wholesaler to a pharmacy that primarily or solely dispenses
9 prescription drugs to patients of long-term care facilities. Factors
10 to be considered in determining whether the furnishing of
11 dangerous drugs is clearly excessive shall include, but not be
12 limited to, the amount of dangerous drugs furnished to a pharmacy
13 that primarily or solely dispenses prescription drugs to patients of
14 long-term care facilities, the previous ordering pattern of the
15 pharmacy, and the general patient population to whom the
16 pharmacy distributes the dangerous drugs. That a wholesaler has
17 established, and employs, a tracking system that complies with
18 the requirements of subdivision (b) of Section 4164 shall be
19 considered in determining whether there has been a violation of
20 this subdivision. This provision shall not be interpreted to require
21 a wholesaler to obtain personal medical information or be
22 authorized to permit a wholesaler to have access to personal
23 medical information except as otherwise authorized by Section 56
24 and following of the Civil Code. For purposes of this section,
25 “long-term care facility” shall have the same meaning given the
26 term in Section 1418 of the Health and Safety Code.

27 SEC. 58. Section 4305 of the Business and Professions Code
28 is amended to read:

29 4305. (a) Failure by any pharmacist to notify the board in
30 writing that he or she has ceased to act as the pharmacist-in-charge
31 of a pharmacy, or by any pharmacy to notify the board in writing
32 that a pharmacist-in-charge is no longer acting in that capacity,
33 within the 30-day period specified in Sections 4101 and 4113 shall
34 constitute grounds for disciplinary action.

35 (b) Operation of a pharmacy for more than 30 days without
36 supervision or management by a pharmacist-in-charge shall
37 constitute grounds for disciplinary action.

38 (c) Any person who has obtained a license to conduct a
39 pharmacy, who willfully fails to timely notify the board that the
40 pharmacist-in-charge of the pharmacy has ceased to act in that

1 capacity, and who continues to permit the compounding or
2 dispensing of prescriptions, or the furnishing of drugs or poisons,
3 in his or her pharmacy, except by a pharmacist subject to the
4 supervision and management of a responsible pharmacist-in-charge,
5 shall be subject to summary suspension or revocation of his or her
6 license to conduct a pharmacy.

7 SEC. 59. Section 4329 of the Business and Professions Code
8 is amended to read:

9 4329. Any nonpharmacist who takes charge of or acts as
10 supervisor, manager, or pharmacist-in-charge of any pharmacy,
11 or who compounds or dispenses a prescription or furnishes
12 dangerous drugs except as otherwise provided in this chapter, is
13 guilty of a misdemeanor.

14 SEC. 60. Section 4330 of the Business and Professions Code
15 is amended to read:

16 4330. (a) Any person who has obtained a license to conduct
17 a pharmacy, who fails to place in charge of the pharmacy a
18 pharmacist, or any person, who by himself or herself, or by any
19 other person, permits the compounding or dispensing of
20 prescriptions, or the furnishing of dangerous drugs, in his or her
21 pharmacy, except by a pharmacist, or as otherwise provided in this
22 chapter, is guilty of a misdemeanor.

23 (b) Any pharmacy owner who commits any act that would
24 subvert or tend to subvert the efforts of the pharmacist-in-charge
25 to comply with the laws governing the operation of the pharmacy
26 is guilty of a misdemeanor.

27 SEC. 61. Section 4857 of the Business and Professions Code
28 is amended to read:

29 4857. (a) A veterinarian licensed under the provisions of this
30 chapter shall not disclose any information concerning an animal
31 receiving veterinary services, the client responsible for the animal
32 receiving veterinary services, or the veterinary care provided to
33 an animal, except under any one of the following circumstances:

34 (1) Upon written or witnessed oral authorization by knowing
35 and informed consent of the client responsible for the animal
36 receiving services or an authorized agent of the client.

37 (2) Upon authorization received by electronic transmission when
38 originated by the client responsible for the animal receiving
39 services or an authorized agent of the client.

40 (3) In response to a valid court order or subpoena.

1 (4) As may be required to ensure compliance with any federal,
2 state, county, or city law or regulation, including, but not limited
3 to, the California Public Records Act (Chapter 3.5 (commencing
4 with Section 6250) of Division 7 of Title 1 of the Government
5 Code).

6 (5) Nothing in this section is intended to prevent the sharing of
7 veterinary medical information between veterinarians or facilities
8 for the purpose of diagnosis or treatment of the animal who is the
9 subject of the medical records.

10 (6) As otherwise provided in this section.

11 (b) This section shall not apply to the extent that the client
12 responsible for an animal or an authorized agent of the client
13 responsible for the animal has filed or caused to be filed a civil or
14 criminal complaint that places the veterinarian's care and treatment
15 of the animal or the nature and extent of the injuries to the animal
16 at issue, or when the veterinarian is acting to comply with federal,
17 state, county, or city laws or regulations.

18 (c) A veterinarian shall be subject to the criminal penalties set
19 forth in Section 4831 or any other provision of this code for a
20 violation of this section. In addition, any veterinarian who
21 negligently releases confidential information shall be liable in a
22 civil action for any damages caused by the release of that
23 information.

24 (d) Nothing in this section is intended to prevent the sharing of
25 veterinary medical information between veterinarians and peace
26 officers, humane society officers, or animal control officers who
27 are acting to protect the welfare of animals.

28 SEC. 62. Section 4980.04 is added to the Business and
29 Professions Code, to read:

30 4980.04. This chapter shall be known and may be cited as the
31 Marriage and Family Therapist Act.

32 SEC. 63. Section 4980.30 of the Business and Professions
33 Code is amended to read:

34 4980.30. Except as otherwise provided herein, a person desiring
35 to practice and to advertise the performance of marriage and family
36 therapy services shall apply to the board for a license, pay the
37 license fee required by this chapter, and obtain a license from the
38 board.

39 SEC. 64. Section 4981 of the Business and Professions Code
40 is repealed.

1 SEC. 65. Section 4990.09 is added to the Business and
2 Professions Code, to read:

3 4990.09. The board shall not publish on the Internet the final
4 determination of a citation and fine of one thousand five hundred
5 dollars (\$1,500) or less issued against a licensee or registrant
6 pursuant to Section 125.9 for a period of time in excess of five
7 years from the date of issuance of the citation.

8 SEC. 66. Section 4994.1 of the Business and Professions Code
9 is repealed.

10 SEC. 67. Section 4996.2 of the Business and Professions Code
11 is amended to read:

12 4996.2. Each applicant shall furnish evidence satisfactory to
13 the board that he or she complies with all of the following
14 requirements:

15 (a) Is at least 21 years of age.

16 (b) Has received a master's degree from an accredited school
17 of social work.

18 (c) Has had two years of supervised post-master's degree
19 experience, as specified in Section 4996.23.

20 (d) Has not committed any crimes or acts constituting grounds
21 for denial of licensure under Section 480. The board shall not issue
22 a registration or license to any person who has been convicted of
23 any crime in this or another state or in a territory of the United
24 States that involves sexual abuse of children or who is required to
25 register pursuant to Section 290 of the Penal Code or the equivalent
26 in another state or territory.

27 (e) Has completed adequate instruction and training in the
28 subject of alcoholism and other chemical substance dependency.
29 This requirement applies only to applicants who matriculate on or
30 after January 1, 1986.

31 (f) Has completed instruction and training in spousal or partner
32 abuse assessment, detection, and intervention. This requirement
33 applies to an applicant who began graduate training during the
34 period commencing on January 1, 1995, and ending on December
35 31, 2003. An applicant who began graduate training on or after
36 January 1, 2004, shall complete a minimum of 15 contact hours
37 of coursework in spousal or partner abuse assessment, detection,
38 and intervention strategies, including knowledge of community
39 resources, cultural factors, and same gender abuse dynamics.
40 Coursework required under this subdivision may be satisfactory

1 if taken either in fulfillment of other educational requirements for
2 licensure or in a separate course. This requirement for coursework
3 shall be satisfied by, and the board shall accept in satisfaction of
4 the requirement, a certification from the chief academic officer of
5 the educational institution from which the applicant graduated that
6 the required coursework is included within the institution's required
7 curriculum for graduation.

8 (g) Has completed a minimum of 10 contact hours of training
9 or coursework in human sexuality as specified in Section 1807 of
10 Title 16 of the California Code of Regulations. This training or
11 coursework may be satisfactory if taken either in fulfillment of
12 other educational requirements for licensure or in a separate course.

13 (h) Has completed a minimum of seven contact hours of training
14 or coursework in child abuse assessment and reporting as specified
15 in Section 1807.2 of Title 16 of the California Code of Regulations.
16 This training or coursework may be satisfactory if taken either in
17 fulfillment of other educational requirements for licensure or in a
18 separate course.

19 SEC. 68. Section 4996.17 of the Business and Professions
20 Code is amended to read:

21 4996.17. (a) Experience gained outside of California shall be
22 accepted toward the licensure requirements if it is substantially
23 the equivalent of the requirements of this chapter.

24 (b) The board may issue a license to any person who, at the time
25 of application, holds a valid active clinical social work license
26 issued by a board of clinical social work examiners or
27 corresponding authority of any state, if the person passes the board
28 administered licensing examinations as specified in Section 4996.1
29 and pays the required fees. Issuance of the license is conditioned
30 upon all of the following:

31 (1) The applicant has supervised experience that is substantially
32 the equivalent of that required by this chapter. If the applicant has
33 less than 3,200 hours of qualifying supervised experience, time
34 actively licensed as a clinical social worker shall be accepted at a
35 rate of 100 hours per month up to a maximum of 1,200 hours.

36 (2) Completion of the following coursework or training in or
37 out of this state:

38 (A) A minimum of seven contact hours of training or coursework
39 in child abuse assessment and reporting as specified in Section 28,
40 and any regulations promulgated thereunder.

1 (B) A minimum of 10 contact hours of training or coursework
2 in human sexuality as specified in Section 25, and any regulations
3 promulgated thereunder.

4 (C) A minimum of 15 contact hours of training or coursework
5 in alcoholism and other chemical substance dependency, as
6 specified by regulation.

7 (D) A minimum of 15 contact hours of coursework or training
8 in spousal or partner abuse assessment, detection, and intervention
9 strategies.

10 (3) The applicant's license is not suspended, revoked, restricted,
11 sanctioned, or voluntarily surrendered in any state.

12 (4) The applicant is not currently under investigation in any
13 other state, and has not been charged with an offense for any act
14 substantially related to the practice of social work by any public
15 agency, entered into any consent agreement or been subject to an
16 administrative decision that contains conditions placed by an
17 agency upon an applicant's professional conduct or practice,
18 including any voluntary surrender of license, or been the subject
19 of an adverse judgment resulting from the practice of social work
20 that the board determines constitutes evidence of a pattern of
21 incompetence or negligence.

22 (5) The applicant shall provide a certification from each state
23 where he or she holds a license pertaining to licensure, disciplinary
24 action, and complaints pending.

25 (6) The applicant is not subject to denial of licensure under
26 Section 480, 4992.3, 4992.35, or 4992.36.

27 (c) The board may issue a license to any person who, at the time
28 of application, has held a valid, active clinical social work license
29 for a minimum of four years, issued by a board of clinical social
30 work examiners or a corresponding authority of any state, if the
31 person passes the board administered licensing examinations as
32 specified in Section 4996.1 and pays the required fees. Issuance
33 of the license is conditioned upon all of the following:

34 (1) Completion of the following coursework or training in or
35 out of state:

36 (A) A minimum of seven contact hours of training or coursework
37 in child abuse assessment and reporting as specified in Section 28,
38 and any regulations promulgated thereunder.

1 (B) A minimum of 10 contact hours of training or coursework
2 in human sexuality as specified in Section 25, and any regulations
3 promulgated thereunder.

4 (C) A minimum of 15 contact hours of training or coursework
5 in alcoholism and other chemical substance dependency, as
6 specified by regulation.

7 (D) A minimum of 15 contact hours of coursework or training
8 in spousal or partner abuse assessment, detection, and intervention
9 strategies.

10 (2) The applicant has been licensed as a clinical social worker
11 continuously for a minimum of four years prior to the date of
12 application.

13 (3) The applicant's license is not suspended, revoked, restricted,
14 sanctioned, or voluntarily surrendered in any state.

15 (4) The applicant is not currently under investigation in any
16 other state, and has not been charged with an offense for any act
17 substantially related to the practice of social work by any public
18 agency, entered into any consent agreement or been subject to an
19 administrative decision that contains conditions placed by an
20 agency upon an applicant's professional conduct or practice,
21 including any voluntary surrender of license, or been the subject
22 of an adverse judgment resulting from the practice of social work
23 that the board determines constitutes evidence of a pattern of
24 incompetence or negligence.

25 (5) The applicant provides a certification from each state where
26 he or she holds a license pertaining to licensure, disciplinary action,
27 and complaints pending.

28 (6) The applicant is not subject to denial of licensure under
29 Section 480, 4992.3, 4992.35, or 4992.36.

30 SEC. 69. Section 4996.18 of the Business and Professions
31 Code is amended to read:

32 4996.18. (a) A person who wishes to be credited with
33 experience toward licensure requirements shall register with the
34 board as an associate clinical social worker prior to obtaining that
35 experience. The application shall be made on a form prescribed
36 by the board.

37 (b) An applicant for registration shall satisfy the following
38 requirements:

39 (1) Possess a master's degree from an accredited school or
40 department of social work.

1 (2) Have committed no crimes or acts constituting grounds for
2 denial of licensure under Section 480.

3 (c) An applicant who possesses a master's degree from a school
4 or department of social work that is a candidate for accreditation
5 by the Commission on Accreditation of the Council on Social
6 Work Education shall be eligible, and shall be required, to register
7 as an associate clinical social worker in order to gain experience
8 toward licensure if the applicant has not committed any crimes or
9 acts that constitute grounds for denial of licensure under Section
10 480. That applicant shall not, however, be eligible for examination
11 until the school or department of social work has received
12 accreditation by the Commission on Accreditation of the Council
13 on Social Work Education.

14 (d) Any experience obtained under the supervision of a spouse
15 or relative by blood or marriage shall not be credited toward the
16 required hours of supervised experience. Any experience obtained
17 under the supervision of a supervisor with whom the applicant has
18 a personal relationship that undermines the authority or
19 effectiveness of the supervision shall not be credited toward the
20 required hours of supervised experience.

21 (e) An applicant who possesses a master's degree from an
22 accredited school or department of social work shall be able to
23 apply experience the applicant obtained during the time the
24 accredited school or department was in candidacy status by the
25 Commission on Accreditation of the Council on Social Work
26 Education toward the licensure requirements, if the experience
27 meets the requirements of Section 4996.23. This subdivision shall
28 apply retroactively to persons who possess a master's degree from
29 an accredited school or department of social work and who
30 obtained experience during the time the accredited school or
31 department was in candidacy status by the Commission on
32 Accreditation of the Council on Social Work Education.

33 (f) An applicant for registration or licensure trained in an
34 educational institution outside the United States shall demonstrate
35 to the satisfaction of the board that he or she possesses a master's
36 of social work degree that is equivalent to a master's degree issued
37 from a school or department of social work that is accredited by
38 the Commission on Accreditation of the Council on Social Work
39 Education. These applicants shall provide the board with a
40 comprehensive evaluation of the degree and shall provide any

1 other documentation the board deems necessary. The board has
2 the authority to make the final determination as to whether a degree
3 meets all requirements, including, but not limited to, course
4 requirements regardless of evaluation or accreditation.

5 (g) A registrant shall not provide clinical social work services
6 to the public for a fee, monetary or otherwise, except as an
7 employee.

8 (h) A registrant shall inform each client or patient prior to
9 performing any professional services that he or she is unlicensed
10 and is under the supervision of a licensed professional.

11 SEC. 70. Section 4996.20 of the Business and Professions
12 Code is repealed.

13 SEC. 71. Section 4996.21 of the Business and Professions
14 Code is repealed.

15 SEC. 72. *Section 5092 of the Business and Professions Code*
16 *is amended to read:*

17 5092. (a) To qualify for the certified public accountant license,
18 an applicant who is applying under this section shall meet the
19 education, examination, and experience requirements specified in
20 subdivisions (b), (c), and (d), or otherwise prescribed pursuant to
21 this article. The board may adopt regulations as necessary to
22 implement this section.

23 (b) An applicant for the certified public accountant license shall
24 present satisfactory evidence that the applicant has completed a
25 baccalaureate or higher degree conferred by a college or university,
26 meeting, at a minimum, the standards described in Section 5094,
27 the total educational program to include a minimum of 24 semester
28 units in accounting subjects and 24 semester units in business
29 related subjects. This evidence shall be provided prior to admission
30 to the examination for the certified public accountant license,
31 except that an applicant who applied, qualified, and sat for at least
32 two subjects of the examination for the certified public accountant
33 license before May 15, 2002, may provide this evidence at the
34 time of application for licensure.

35 (c) An applicant for the certified public accountant license shall
36 pass an examination prescribed by the board pursuant to this article.

37 (d) The applicant shall show, to the satisfaction of the board,
38 that the applicant has had two years of qualifying experience. This
39 experience may include providing any type of service or advice
40 involving the use of accounting, attest, compilation, management

1 advisory, financial advisory, tax, or consulting skills. To be
2 qualifying under this section, experience shall have been performed
3 in accordance with applicable professional standards. Experience
4 in public accounting shall be completed under the supervision or
5 in the employ of a person licensed or otherwise having comparable
6 authority under the laws of any state or country to engage in the
7 practice of public accountancy. Experience in private or
8 governmental accounting or auditing shall be completed under the
9 supervision of an individual licensed by a state to engage in the
10 practice of public accountancy.

11 *(e) This section shall become inoperative on January 1, 2014,*
12 *but shall become or remain operative if either the educational*
13 *requirements in ethics study and accounting study established by*
14 *subdivision (b) of Section 5094, Section 5094.5, and Section 5094.6*
15 *are reduced or eliminated or if the practice privilege requirements*
16 *of Sections 5096 to 5096.15, inclusive, are amended or repealed.*

17 SEC. 73. Section 5093 of the Business and Professions Code
18 is amended to read:

19 5093. (a) To qualify for the certified public accountant license,
20 an applicant who is applying under this section shall meet the
21 education, examination, and experience requirements specified in
22 subdivisions (b), (c), and (d), or otherwise prescribed pursuant to
23 this article. The board may adopt regulations as necessary to
24 implement this section.

25 (b) (1) An applicant for admission to the certified public
26 accountant examination under the provisions of this section shall
27 present satisfactory evidence that the applicant has completed a
28 baccalaureate or higher degree conferred by ~~a college or university,~~
29 *degree-granting university, college, or other institution of learning*
30 *accredited by a regional or national accrediting agency included*
31 *in a list of these agencies published by the United States Secretary*
32 *of Education under the requirements of the Higher Education Act*
33 *of 1965 as amended (20 U.S.C. Sec. 1001, et seq.), or meeting, at*
34 *a minimum, the standards described in subdivision (c) of Section*
35 ~~5094, the 5094.~~ *The total educational program to shall include a*
36 *minimum of 24 semester units in accounting subjects and 24*
37 *semester units in business related subjects. This evidence shall be*
38 *provided at the time of application for admission to the*
39 *examination, except that an applicant who applied, qualified, and*
40 *sat for at least two subjects of the examination for the certified*

1 public accountant license before May 15, 2002, may provide this
2 evidence at the time of application for licensure.

3 (2) An applicant for issuance of the certified public accountant
4 license under the provisions of this section shall present satisfactory
5 evidence that the applicant has completed at least 150 semester
6 units of college education including a baccalaureate or higher
7 degree conferred by a college or university, meeting, at a minimum,
8 the standards described in Section 5094, the total educational
9 program to include *the units described in subdivision (b) of Section*
10 *5094 and* a minimum of 24 semester units in accounting subjects
11 and 24 semester units in business related subjects. This evidence
12 shall be presented at the time of application for the certified public
13 accountant license. *Nothing herein shall be deemed inconsistent*
14 *with Section 5094 or 5094.6.*

15 (c) An applicant for the certified public accountant license shall
16 pass an examination prescribed by the board.

17 (d) The applicant shall show, to the satisfaction of the board,
18 that the applicant has had one year of qualifying experience. This
19 experience may include providing any type of service or advice
20 involving the use of accounting, attest, compilation, management
21 advisory, financial advisory, tax or consulting skills. To be
22 qualifying under this section, experience shall have been performed
23 in accordance with applicable professional standards. Experience
24 in public accounting shall be completed under the supervision or
25 in the employ of a person licensed or otherwise having comparable
26 authority under the laws of any state or country to engage in the
27 practice of public accountancy. Experience in private or
28 governmental accounting or auditing shall be completed under the
29 supervision of an individual licensed by a state to engage in the
30 practice of public accountancy.

31 (e) *Applicants completing education at a college or university*
32 *located outside of this state, meeting, at a minimum, the standards*
33 *described in Section 5094, shall be deemed to meet the educational*
34 *requirements of this section if the board determines that the*
35 *education is substantially equivalent to the standards of education*
36 *specified under this chapter.*

37 SEC. 74. Section 5094 of the Business and Professions Code,
38 as amended by Section 12 of Chapter 1079 of the Statutes of 2002,
39 is repealed.

1 ~~5094. (a) In order for education to be qualifying, education~~
2 ~~shall meet the standards described in subdivision (b) or (c) of this~~
3 ~~section.~~

4 ~~(b) At a minimum, education must be from a degree-granting~~
5 ~~university, college, or other institution of learning accredited by~~
6 ~~a regional or national accrediting agency included in a list of these~~
7 ~~agencies published by the United States Secretary of Education~~
8 ~~under the requirements of the Higher Education Act of 1965 as~~
9 ~~amended (20 U.S.C. Sec. 1001, et seq.).~~

10 ~~(c) Education from a college, university, or other institution of~~
11 ~~learning located outside the United States may be qualifying~~
12 ~~provided it is deemed by the board to be equivalent to education~~
13 ~~obtained under subdivision (b). The board may require an applicant~~
14 ~~to submit documentation of his or her education to a credential~~
15 ~~evaluation service approved by the board for evaluation and to~~
16 ~~cause the results of this evaluation to be reported to the board in~~
17 ~~order to assess educational equivalency.~~

18 ~~(d) The board shall adopt regulations specifying the criteria and~~
19 ~~procedures for approval of credential evaluation services. These~~
20 ~~regulations shall, at a minimum, require that the credential~~
21 ~~evaluation service (1) furnish evaluations directly to the board, (2)~~
22 ~~furnish evaluations written in English, (3) be a member of the~~
23 ~~American Association of Collegiate Registrars and Admission~~
24 ~~Officers, the National Association of Foreign Student Affairs, or~~
25 ~~the National Association of Credential Evaluation Services, (4) be~~
26 ~~used by accredited colleges and universities, (5) be reevaluated by~~
27 ~~the board every five years, (6) maintain a complete set of reference~~
28 ~~materials as specified by the board, (7) base evaluations only upon~~
29 ~~authentic, original transcripts and degrees and have a written~~
30 ~~procedure for identifying fraudulent transcripts, (8) include in the~~
31 ~~evaluation report, for each degree held by the applicant, the~~
32 ~~equivalent degree offered in the United States, the date the degree~~
33 ~~was granted, the institution granting the degree, an English~~
34 ~~translation of the course titles, and the semester unit equivalence~~
35 ~~for each of the courses, (9) have an appeal procedure for applicants,~~
36 ~~and (10) furnish the board with information concerning the~~
37 ~~credential evaluation service that includes biographical information~~
38 ~~on evaluators and translators, three letters of references from public~~
39 ~~or private agencies, statistical information on the number of~~
40 ~~applications processed annually for the past five years, and any~~

1 additional information the board may require in order to ascertain
2 that the credential evaluation service meets the standards set forth
3 in this subdivision and in any regulations adopted by the board.

4 *SEC. 75. Section 5094 of the Business and Professions Code,*
5 *as amended by Section 13 of Chapter 1079 of the Statutes of 2002,*
6 *is amended to read:*

7 5094. (a) In order for education to be qualifying, it shall meet
8 the standards described in subdivision (b) or (c) of this section.

9 (b) At a minimum, education must be from a degree-granting
10 university, college, or other institution of learning accredited by
11 a regional or national accrediting agency included in a list of these
12 agencies published by the United States Secretary of Education
13 under the requirements of the Higher Education Act of 1965 as
14 amended (20 U.S.C. Sec. 1001, et seq.) and, after January 1, 2014,
15 shall also, at minimum, include 10 units of ethics study consistent
16 with the regulations promulgated pursuant to subdivision (b) of
17 Section 5094.6 and 20 units of accounting study consistent with
18 the regulations promulgated under subdivision (c) of Section
19 5094.6. The Accounting Education Advisory Committee established
20 under Section 5094.5 may determine that a course or a portion of
21 a course satisfies the ethics study requirement. Nothing herein
22 shall be deemed inconsistent with prevailing academic practice
23 regarding the completion of units.

24 (c) Education from a college, university, or other institution of
25 learning located outside the United States may be qualifying
26 provided it is deemed by the board to be equivalent to education
27 obtained under subdivision (b). The board may require an applicant
28 to submit documentation of his or her education to a credential
29 evaluation service approved by the board for evaluation and to
30 cause the results of this evaluation to be reported to the board in
31 order to assess educational equivalency.

32 (d) The board shall adopt regulations specifying the criteria and
33 procedures for approval of credential evaluation services. These
34 regulations shall, at a minimum, require that the credential
35 evaluation service (1) furnish evaluations directly to the board, (2)
36 furnish evaluations written in English, (3) be a member of the
37 American Association of Collegiate Registrars and Admission
38 Officers, the National Association of Foreign Student Affairs, or
39 the National Association of Credential Evaluation Services, (4) be
40 used by accredited colleges and universities, (5) be reevaluated by

1 the board every five years, (6) maintain a complete set of reference
2 materials as specified by the board, (7) base evaluations only upon
3 authentic, original transcripts and degrees and have a written
4 procedure for identifying fraudulent transcripts, (8) include in the
5 evaluation report, for each degree held by the applicant, the
6 equivalent degree offered in the United States, the date the degree
7 was granted, the institution granting the degree, an English
8 translation of the course titles, and the semester unit equivalence
9 for each of the courses, (9) have an appeal procedure for applicants,
10 and (10) furnish the board with information concerning the
11 credential evaluation service that includes biographical information
12 on evaluators and translators, three letters of references from public
13 or private agencies, statistical information on the number of
14 applications processed annually for the past five years, and any
15 additional information the board may require in order to ascertain
16 that the credential evaluation service meets the standards set forth
17 in this subdivision and in any regulations adopted by the board.

18 *SEC. 76. The Legislature hereby finds and declares that if*
19 *California is to require an additional 30 hours of education of its*
20 *accountancy students as a substitute for one year of accountancy*
21 *experience, that education must be relevant to the practice of*
22 *accountancy and must include ethical education for the protection*
23 *of consumers.*

24 *SEC. 77. Section 5094.5 is added to the Business and*
25 *Professions Code, to read:*

26 *5094.5. (a) There is hereby created within the jurisdiction of*
27 *the board the Advisory Committee on Accounting Ethics*
28 *Curriculum. For purposes of this section, "committee" means the*
29 *advisory committee established under this section.*

30 *(b) The committee shall consist of the following 11 members:*

31 *(1) One member appointed by the California Public Employees*
32 *Retirement System.*

33 *(2) Two members appointed by the Regents of the University of*
34 *California. These members shall be professors of business ethics*
35 *or accounting who have published works on the desirability and*
36 *potential contents of accounting ethics education.*

37 *(3) Two members appointed by the California State University*
38 *Board of Trustees. These members shall be professors of business*
39 *ethics or accounting who have published works on the desirability*
40 *and potential contents of accounting ethics education.*

1 (4) *Two members representing the California Community*
2 *Colleges appointed by the Board of Governors of the California*
3 *Community Colleges. These members shall be instructors of*
4 *business ethics or accounting.*

5 (5) *The Senate Committee on Rules, the Speaker of the Assembly,*
6 *and the board shall each appoint one member. The members*
7 *appointed by the Senate Committee on Rules and the Speaker of*
8 *the Assembly shall be from organized labor or consumer advocacy*
9 *organizations.*

10 (6) *The Governor shall appoint one California certified public*
11 *accountant in public practice from a list provided by the California*
12 *Society of Certified Public Accountants.*

13 (c) *The term of a member of the committee shall be at the*
14 *pleasure of the appointing authority.*

15 (d) *The committee shall be subject to the Bagley-Keene Open*
16 *Meeting Act (Article 9 (commencing with Section 11120) of*
17 *Chapter 1 of Part 1 of Division 3 of Title 2 of the Government*
18 *Code).*

19 (e) (1) *This section shall become inoperative on the later of the*
20 *following:*

21 (A) *January 1, 2014.*

22 (B) *The day following the date on which the committee issues*
23 *the final report required under subdivision (b) of Section 5094.6.*

24 (2) *This section shall be repealed on the later of the following:*

25 (A) *January 1, 2014.*

26 (B) *January 1 following the date described in subparagraph*
27 *(B) of paragraph (1).*

28 SEC. 78. *Section 5094.6 is added to the Business and*
29 *Professions Code, to read:*

30 5094.6. (a) *No later than June 1, 2012, the committee shall*
31 *recommend to the board ethics study guidelines consisting of no*
32 *less than 10 semester units to be included as a part of the education*
33 *required under Section 5093. Ethics study may consist of academic*
34 *courses, portions of courses, or independent study offered by*
35 *degree-granting universities, colleges, or other institutions of*
36 *learning accredited by a regional or national accrediting agency.*
37 *Nothing herein shall be deemed inconsistent with prevailing*
38 *academic practice regarding completion of units.*

39 (b) *No later than January 31, 2013, the board shall adopt, by*
40 *regulation, the ethics study recommendations made by the*

1 committee pursuant to subdivision (a) without substantive changes.
2 The committee shall issue a report during the public comment
3 period and, no later than 30 days after the regulations are final,
4 shall offer an opinion as to whether the regulations will implement
5 its recommendations.

6 (c) The board shall, no later than January 1, 2012, by
7 regulation, adopt guidelines for accounting study to be included
8 as part of the education required under Section 5093. In
9 promulgating these regulations, the board shall consider the views
10 of the Accounting Education Advisory Committee established under
11 Section 5094.7.

12 (d) No later than September 1, 2010, the board shall hold a
13 hearing on the report by the California Research Bureau regarding
14 the Uniform Accountancy Act's 150-hour rule. At the hearing, the
15 board shall make recommendations, based on that report, to the
16 National Association of State Boards of Accountancy and the
17 American Institute of Certified Public Accountants for ensuring
18 the relevancy of accountancy education to the modern practice of
19 accounting and shall approve a plan for the board to seek the
20 adoption of those recommendations and any others the board may
21 recommend related to enforcement and Internet disclosure.

22 (e) For purposes of this section, the following definitions shall
23 apply:

24 (1) Except as provided in subdivision (c), "committee" means
25 the Advisory Committee on Accounting Ethics Curriculum
26 established under Section 5094.5.

27 (2) "Ethics study guidelines" means the guidelines for the study
28 of ethics adopted for California by the committee and the board
29 consisting of a program of learning that provides students with a
30 framework of ethical reasoning, professional values, and attitudes
31 for exercising professional skepticism and other behavior that is
32 in the best interest of the investing and consuming public and the
33 profession. At minimum, it includes academic work or independent
34 study and shall include a foundation for ethical reasoning and the
35 core values of integrity, objectivity, and independence consistent
36 with the International Education Standards-4 of the International
37 Accountants Education Standards Board, the International
38 Federation of Accountants Code of Ethics, and the American
39 Institute of Certified Public Accountants Code of Professional
40 Conduct.

1 (3) “Accounting study” means independent study or other
2 academic work in accounting, business, ethics, business law, or
3 other academic work relevant to accounting and business, so as
4 to enhance the competency of students as practitioners.

5 SEC. 79. Section 5094.7 is added to the Business and
6 Professions Code, to read:

7 5094.7. (a) There is hereby created within the jurisdiction of
8 the board an Accounting Education Advisory Committee for the
9 purposes of subdivision (c) of Section 5094.6. The members of this
10 committee shall be appointed by the board and shall be experts in
11 accounting education. The committee shall be subject to the
12 Bagley-Keene Open Meeting Act (Article 9 (commencing with
13 Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of
14 the Government Code).

15 (b) This section shall remain in effect only until January 1, 2012,
16 and as of that date is repealed, unless a later enacted statute, that
17 is enacted before January 1, 2012, deletes or extends that date.

18 SEC. 80. Section 5096.11 of the Business and Professions Code
19 is repealed.

20 ~~5096.11. This article shall become operative on January 1,~~
21 ~~2006. It shall remain in effect only until January 1, 2011, and as~~
22 ~~of that date is repealed, unless a later enacted statute, which~~
23 ~~becomes effective on or before January 1, 2011, deletes or extends~~
24 ~~that date.~~

25 ~~SEC. 72.~~

26 SEC. 81. Section 5801 of the Business and Professions Code
27 is amended to read:

28 5801. A certified interior designer may obtain a stamp from
29 an interior design organization that shall include a number that
30 uniquely identifies and bears the name of that certified interior
31 designer. The stamp certifies that the interior designer has provided
32 the interior design organization with evidence of passage of an
33 interior design examination approved by that interior design
34 organization and any of the following:

35 (a) He or she is a graduate of a four- or five-year accredited
36 interior design degree program, and has two years of diversified
37 interior design experience.

38 (b) He or she has completed a three-year accredited interior
39 design certificate program, and has completed three years of
40 diversified interior design experience.

1 (c) He or she has completed a two-year accredited interior design
2 program and has completed four years of diversified interior design
3 experience.

4 (d) He or she has at least eight years of interior design education,
5 or at least eight years of diversified interior design experience, or
6 a combination of interior design education and diversified interior
7 design experience that together total at least eight years.

8 ~~SEC. 73.~~

9 *SEC. 82.* Section 6534 of the Business and Professions Code
10 is amended to read:

11 6534. (a) The bureau shall maintain the following information
12 in each licensee's file, shall make this information available to a
13 court for any purpose, including the determination of the
14 appropriateness of appointing or continuing the appointment of,
15 or removing, the licensee as a conservator, guardian, trustee, or
16 personal representative, and shall otherwise keep this information
17 confidential, except as provided in subdivisions (b) and (c) of this
18 section:

19 (1) The names of the licensee's current conservatees or wards
20 and the trusts or estates currently administered by the licensee.

21 (2) The aggregate dollar value of all assets currently under the
22 licensee's supervision as a professional fiduciary.

23 (3) The licensee's current addresses and telephone numbers for
24 his or her place of business and place of residence.

25 (4) Whether the licensee has ever been removed for cause as a
26 conservator, guardian, trustee, or personal representative or has
27 ever resigned as a conservator, guardian, trustee, or personal
28 representative in a specific case, the circumstances causing that
29 removal or resignation, and the case names, court locations, and
30 case numbers associated with the removal or resignation.

31 (5) The case names, court locations, and case numbers of all
32 conservatorship, guardianship, or trust or other estate
33 administration cases that are closed for which the licensee served
34 as the conservator, guardian, trustee, or personal representative.

35 (6) Information regarding any discipline imposed upon the
36 licensee by the bureau.

37 (7) Whether the licensee has filed for bankruptcy or held a
38 controlling financial interest in a business that filed for bankruptcy
39 in the last 10 years.

1 (b) The bureau shall make the information in paragraphs (2),
2 (4), (6), and (7) of subdivision (a) available to the public.

3 (c) The bureau shall also publish information regarding licensees
4 on the Internet as specified in Section 27. The information shall
5 include, but shall not be limited to, information regarding license
6 status and the information specified under subdivision (b).

7 ~~SEC. 74.~~

8 *SEC. 83.* Section 6536 of the Business and Professions Code
9 is amended to read:

10 6536. The bureau shall review all applications for licensure
11 and may investigate an applicant's qualifications for licensure.
12 The bureau shall approve those applications that meet the
13 requirements for licensure, but shall not issue a license to any
14 applicant who meets any of the following criteria:

15 (a) Does not meet the qualifications for licensure under this
16 chapter.

17 (b) Has been convicted of a crime substantially related to the
18 qualifications, functions, or duties of a fiduciary.

19 (c) Has engaged in fraud or deceit in applying for a license under
20 this chapter.

21 (d) Has engaged in dishonesty, fraud, or gross negligence in
22 performing the functions or duties of a fiduciary, including
23 engaging in such conduct prior to January 1, 2009.

24 (e) Has been removed as a fiduciary by a court for breach of
25 trust committed intentionally, with gross negligence, in bad faith,
26 or with reckless indifference, or has demonstrated a pattern of
27 negligent conduct, including a removal prior to January 1, 2009,
28 and all appeals have been taken, or the time to file an appeal has
29 expired.

30 ~~SEC. 75.~~

31 *SEC. 84.* Section 6561 of the Business and Professions Code
32 is amended to read:

33 6561. (a) A licensee shall initially, and annually thereafter,
34 file with the bureau a statement under penalty of perjury containing
35 the following:

36 (1) Her or his business address, telephone number, and facsimile
37 number.

38 (2) Whether or not he or she has been removed as a conservator,
39 guardian, trustee, or personal representative for cause. The licensee

1 may file an additional statement of the issues and facts pertaining
2 to the case.

3 (3) The case names, court locations, and case numbers for all
4 matters where the licensee has been appointed by the court.

5 (4) Whether he or she has been found by a court to have
6 breached a fiduciary duty.

7 (5) Whether he or she has resigned or settled a matter in which
8 a complaint has been filed, along with the case number and a
9 statement of the issues and facts pertaining to the allegations.

10 (6) Any licenses or professional certificates held by the licensee.

11 (7) Any ownership or beneficial interests in any businesses or
12 other enterprises held by the licensee or by a family member that
13 receives or has received payments from a client of the licensee.

14 (8) Whether the licensee has filed for bankruptcy or held a
15 controlling financial interest in a business that filed for bankruptcy
16 in the last ten years.

17 (9) The name of any persons or entities that have an interest in
18 the licensee's professional fiduciary business.

19 (10) Whether the licensee has been convicted of a crime.

20 (b) The statement by the licensee required by this section may
21 be filed electronically with the bureau, in a form approved by the
22 bureau. However, any additional statement filed under paragraph
23 (2) of subdivision (a) shall be filed in writing.

24 ~~SEC. 76.~~

25 *SEC. 85.* Section 6761 of the Business and Professions Code
26 is repealed.

27 ~~SEC. 77.~~

28 *SEC. 86.* Section 7616 of the Business and Professions Code
29 is amended to read:

30 7616. (a) A licensed funeral establishment is a place of
31 business conducted in a building or separate portion of a building
32 having a specific street address or location and devoted exclusively
33 to those activities as are incident, convenient, or related to the
34 preparation and arrangements, financial and otherwise, for the
35 funeral, transportation, burial or other disposition of human remains
36 and including, but not limited to, either of the following:

37 (1) A suitable room for the storage of human remains.

38 (2) A preparation room equipped with a sanitary flooring and
39 necessary drainage and ventilation and containing necessary

1 instruments and supplies for the preparation, sanitation, or
2 embalming of human remains for burial or transportation.

3 (b) Licensed funeral establishments under common ownership
4 or by contractual agreement within close geographical proximity
5 of each other shall be deemed to be in compliance with the
6 requirements of paragraph (1) or (2) of subdivision (a) if at least
7 one of the establishments has a room described in those paragraphs.

8 (c) Except as provided in Section 7609, and except accredited
9 embalming schools and colleges engaged in teaching students the
10 art of embalming, no person shall operate or maintain or hold
11 himself or herself out as operating or maintaining any of the
12 facilities specified in paragraph (2) of subdivision (a), unless he
13 or she is licensed as a funeral director.

14 (d) Nothing in this section shall be construed to require a funeral
15 establishment to conduct its business or financial transactions at
16 the same location as its preparation or storage of human remains.

17 (e) Nothing in this chapter shall be deemed to render unlawful
18 the conduct of any ambulance service from the same premises as
19 those on which a licensed funeral establishment is conducted,
20 including the maintenance in connection with the funeral
21 establishment of garages for the ambulances and living quarters
22 for ambulance drivers.

23 ~~SEC. 77.5.~~

24 *SEC. 86.5.* Section 7616 of the Business and Professions Code
25 is amended to read:

26 7616. (a) A licensed funeral establishment is a place of
27 business conducted in a building or separate portion of a building
28 having a specific street address or location and devoted exclusively
29 to those activities as are incident, convenient, or related to the
30 preparation and arrangements, financial and otherwise, for the
31 funeral, transportation, burial or other disposition of human remains
32 and including, but not limited to, either of the following:

33 (1) A suitable room for the storage of human remains.

34 (2) A preparation room equipped with a sanitary flooring and
35 necessary drainage and ventilation and containing necessary
36 instruments and supplies for the preparation, sanitation, or
37 embalming of human remains for burial or transportation.

38 (b) Licensed funeral establishments under common ownership
39 or by contractual agreement within close geographical proximity
40 of each other shall be deemed to be in compliance with the

requirements of paragraph (1) or (2) of subdivision (a) if at least one of the establishments has a room described in those paragraphs.

(c) Except as provided in Section 7609, and except accredited mortuary science programs engaged in teaching students the art of embalming, no person shall operate or maintain or hold himself or herself out as operating or maintaining any of the facilities specified in paragraph (2) of subdivision (a), unless he or she is licensed as a funeral director.

(d) Nothing in this section shall be construed to require a funeral establishment to conduct its business or financial transactions at the same location as its preparation or storage of human remains.

(e) Nothing in this chapter shall be deemed to render unlawful the conduct of any ambulance service from the same premises as those on which a licensed funeral establishment is conducted, including the maintenance in connection with the funeral establishment of garages for the ambulances and living quarters for ambulance drivers.

~~SEC. 78.~~

SEC. 87. Section 7629 of the Business and Professions Code is amended to read:

7629. No funeral establishment shall be conducted or held forth as being conducted or advertised as being conducted under any name which might tend to mislead the public or which would be sufficiently like the name of any other licensed funeral establishment so as to constitute an unfair method of competition.

Any funeral director desiring to change the name appearing on his or her license may do so by applying to the bureau and paying the fee fixed by this chapter.

~~SEC. 79.~~

SEC. 88. Section 8030.2 of the Business and Professions Code is amended to read:

8030.2. (a) To provide shorthand reporting services to low-income litigants in civil cases, who are unable to otherwise afford those services, funds generated by fees received by the board pursuant to subdivision (c) of Section 8031 in excess of funds needed to support the board's operating budget for the fiscal year in which a transfer described below is made shall be used by the board for the purpose of establishing and maintaining a Transcript Reimbursement Fund. The Transcript Reimbursement Fund shall be established by a transfer of funds from the Court Reporters'

1 Fund in the amount of three hundred thousand dollars (\$300,000)
2 at the beginning of each fiscal year. Notwithstanding any other
3 provision of this article, a transfer to the Transcript Reimbursement
4 Fund in excess of the fund balance established at the beginning of
5 each fiscal year shall not be made by the board if the transfer will
6 result in the reduction of the balance of the Court Reporters' Fund
7 to an amount less than six months' operating budget.

8 (b) All moneys held in the Court Reporters' Fund on the
9 effective date of this section in excess of the board's operating
10 budget for the 1996–97 fiscal year shall be used as provided in
11 subdivision (a).

12 (c) Refunds and unexpended funds that are anticipated to remain
13 in the Transcript Reimbursement Fund at the end of the fiscal year
14 shall be considered by the board in establishing the fee assessment
15 pursuant to Section 8031 so that the assessment shall maintain the
16 level of funding for the Transcript Reimbursement Fund, as
17 specified in subdivision (a), in the following fiscal year.

18 (d) The Transcript Reimbursement Fund is hereby created in
19 the State Treasury. Notwithstanding Section 13340 of the
20 Government Code, moneys in the Transcript Reimbursement Fund
21 are continuously appropriated for the purposes of this chapter.

22 (e) Applicants who have been reimbursed pursuant to this
23 chapter for services provided to litigants and who are awarded
24 court costs or attorneys' fees by judgment or by settlement
25 agreement shall refund the full amount of that reimbursement to
26 the fund within 90 days of receipt of the award or settlement.

27 (f) Subject to the limitations of this chapter, the board shall
28 maintain the fund at a level that is sufficient to pay all qualified
29 claims. To accomplish this objective, the board shall utilize all
30 refunds, unexpended funds, fees, and any other moneys received
31 by the board.

32 (g) Notwithstanding Section 16346 of the Government Code,
33 all unencumbered funds remaining in the Transcript
34 Reimbursement Fund as of January 1, 2011, shall be transferred
35 to the Court Reporters' Fund.

36 (h) This section shall remain in effect only until January 1, 2011,
37 and as of that date is repealed, unless a later enacted statute, that
38 is enacted before January 1, 2011, deletes or extends that date.

1 ~~SEC. 80.~~

2 *SEC. 89.* Section 8740 of the Business and Professions Code
3 is amended to read:

4 8740. (a) An application for each division of the examination
5 for a license as a land surveyor shall be made to the board on the
6 form prescribed by it, with all statements therein made under oath,
7 and shall be accompanied by the application fee fixed by this
8 chapter.

9 (b) The board may authorize an organization specified by the
10 board pursuant to Section 8745 to receive directly from applicants
11 payment of the examination fees charged by that organization as
12 payment for examination materials and services.

13 ~~SEC. 81.~~

14 *SEC. 90.* Section 8746 of the Business and Professions Code
15 is amended to read:

16 8746. An applicant failing on examination, upon the payment
17 of another application fee, may be examined again.

18 ~~SEC. 82.~~

19 *SEC. 91.* Section 8659 of the Government Code is amended
20 to read:

21 8659. Any physician or surgeon (whether licensed in this state
22 or any other state), hospital, pharmacist, respiratory care
23 practitioner, nurse, or dentist who renders services during any state
24 of war emergency, a state of emergency, or a local emergency at
25 the express or implied request of any responsible state or local
26 official or agency shall have no liability for any injury sustained
27 by any person by reason of those services, regardless of how or
28 under what circumstances or by what cause those injuries are
29 sustained; provided, however, that the immunity herein granted
30 shall not apply in the event of a willful act or omission.

31 ~~SEC. 83.~~

32 *SEC. 92.* Section 8778.5 of the Health and Safety Code is
33 amended to read:

34 8778.5. Each special care trust fund established pursuant to
35 this article shall be administered in compliance with the following
36 requirements:

37 (a) (1) The board of trustees shall honor a written request of
38 revocation by the trustor within 30 days upon receipt of the written
39 request.

(2) Except as provided in paragraph (3), the board of trustees upon revocation of a special care trust may assess a revocation fee on the earned income of the trust only, the amount of which shall not exceed 10 percent of the trust corpus, as set forth in subdivision (c) of Section 2370 of Title 16 of the California Code of Regulations.

(3) If, prior to or upon the death of the beneficiary of a revocable special care trust, the cemetery authority is unable to perform the services of the special care trust fund agreement, the board of trustees shall pay the entire trust corpus and all earned income to the beneficiary or trustor, or the legal representative of either the beneficiary or trustor, without the imposition of a revocation fee.

(b) Notwithstanding subdivision (d) of Section 2370 of Title 16 of the California Code of Regulations, the board of trustees may charge an annual fee for administering a revocable special care trust fund, which may be recovered by administrative withdrawals from current trust income, but the total administrative withdrawals in any year shall not exceed 4 percent of the trust balance.

(c) Notwithstanding Section 8785, any person, partnership, or corporation who violates this section shall be subject to disciplinary action as provided in Article 6 (commencing with Section 9725) of Chapter 19 of Division 3 of the Business and Professions Code, or by a civil fine not exceeding five hundred dollars (\$500), or by both, as determined by the Cemetery and Funeral Bureau and shall not be guilty of a crime.

~~SEC. 84.~~

SEC. 93. Section 11150 of the Health and Safety Code is amended to read:

11150. No person other than a physician, dentist, podiatrist, or veterinarian, or naturopathic doctor acting pursuant to Section 3640.7 of the Business and Professions Code, or pharmacist acting within the scope of a project authorized under Article 1 (commencing with Section 128125) of Chapter 3 of Part 3 of Division 107 or within the scope of either Section 4052.1 or 4052.2 of the Business and Professions Code, a registered nurse acting within the scope of a project authorized under Article 1 (commencing with Section 128125) of Chapter 3 of Part 3 of Division 107, a certified nurse-midwife acting within the scope of Section 2746.51 of the Business and Professions Code, a nurse practitioner acting within the scope of Section 2836.1 of the

1 Business and Professions Code, a physician assistant acting within
2 the scope of a project authorized under Article 1 (commencing
3 with Section 128125) of Chapter 3 of Part 3 of Division 107 or
4 Section 3502.1 of the Business and Professions Code, a
5 naturopathic doctor acting within the scope of Section 3640.5 of
6 the Business and Professions Code, or an optometrist acting within
7 the scope of Section 3041 of the Business and Professions Code,
8 or an out-of-state prescriber acting pursuant to Section 4005 of the
9 Business and Professions Code shall write or issue a prescription.

10 ~~SEC. 85.~~

11 *SEC. 94.* Section 11165 of the Health and Safety Code is
12 amended to read:

13 11165. (a) To assist law enforcement and regulatory agencies
14 in their efforts to control the diversion and resultant abuse of
15 Schedule II, Schedule III, and Schedule IV controlled substances,
16 and for statistical analysis, education, and research, the Department
17 of Justice shall, contingent upon the availability of adequate funds
18 from the Contingent Fund of the Medical Board of California, the
19 Pharmacy Board Contingent Fund, the State Dentistry Fund, the
20 Board of Registered Nursing Fund, and the Osteopathic Medical
21 Board of California Contingent Fund, maintain the Controlled
22 Substance Utilization Review and Evaluation System (CURES)
23 for the electronic monitoring of the prescribing and dispensing of
24 Schedule II, Schedule III, and Schedule IV controlled substances
25 by all practitioners authorized to prescribe or dispense these
26 controlled substances.

27 (b) The reporting of Schedule III and Schedule IV controlled
28 substance prescriptions to CURES shall be contingent upon the
29 availability of adequate funds from the Department of Justice. The
30 Department of Justice may seek and use grant funds to pay the
31 costs incurred from the reporting of controlled substance
32 prescriptions to CURES. Funds shall not be appropriated from the
33 Contingent Fund of the Medical Board of California, the Pharmacy
34 Board Contingent Fund, the State Dentistry Fund, the Board of
35 Registered Nursing Fund, the Naturopathic Doctor's Fund, or the
36 Osteopathic Medical Board of California Contingent Fund to pay
37 the costs of reporting Schedule III and Schedule IV controlled
38 substance prescriptions to CURES.

39 (c) CURES shall operate under existing provisions of law to
40 safeguard the privacy and confidentiality of patients. Data obtained

1 from CURES shall only be provided to appropriate state, local,
2 and federal persons or public agencies for disciplinary, civil, or
3 criminal purposes and to other agencies or entities, as determined
4 by the Department of Justice, for the purpose of educating
5 practitioners and others in lieu of disciplinary, civil, or criminal
6 actions. Data may be provided to public or private entities, as
7 approved by the Department of Justice, for educational, peer
8 review, statistical, or research purposes, provided that patient
9 information, including any information that may identify the
10 patient, is not compromised. Further, data disclosed to any
11 individual or agency as described in this subdivision shall not be
12 disclosed, sold, or transferred to any third party.

13 (d) For each prescription for a Schedule II, Schedule III, or
14 Schedule IV controlled substance, the dispensing pharmacy or
15 clinic shall provide the following information to the Department
16 of Justice on a weekly basis and in a format specified by the
17 Department of Justice:

18 (1) Full name, address, and the telephone number of the ultimate
19 user or research subject, or contact information as determined by
20 the Secretary of the United States Department of Health and Human
21 Services, and the gender, and date of birth of the ultimate user.

22 (2) The prescriber's category of licensure and license number;
23 federal controlled substance registration number; and the state
24 medical license number of any prescriber using the federal
25 controlled substance registration number of a government-exempt
26 facility.

27 (3) Pharmacy prescription number, license number, and federal
28 controlled substance registration number.

29 (4) NDC (National Drug Code) number of the controlled
30 substance dispensed.

31 (5) Quantity of the controlled substance dispensed.

32 (6) ICD-9 (diagnosis code), if available.

33 (7) Number of refills ordered.

34 (8) Whether the drug was dispensed as a refill of a prescription
35 or as a first-time request.

36 (9) Date of origin of the prescription.

37 (10) Date of dispensing of the prescription.

38 (e) This section shall become operative on January 1, 2005.

1 ~~SEC. 86.~~

2 *SEC. 95.* Section 14132.100 of the Welfare and Institutions
3 Code is amended to read:

4 14132.100. (a) The federally qualified health center services
5 described in Section 1396d(a)(2)(C) of Title 42 of the United States
6 Code are covered benefits.

7 (b) The rural health clinic services described in Section
8 1396d(a)(2)(B) of Title 42 of the United States Code are covered
9 benefits.

10 (c) Federally qualified health center services and rural health
11 clinic services shall be reimbursed on a per-visit basis in
12 accordance with the definition of “visit” set forth in subdivision
13 (g).

14 (d) Effective October 1, 2004, and on each October 1, thereafter,
15 until no longer required by federal law, federally qualified health
16 center (FQHC) and rural health clinic (RHC) per-visit rates shall
17 be increased by the Medicare Economic Index applicable to
18 primary care services in the manner provided for in Section
19 1396a(bb)(3)(A) of Title 42 of the United States Code. Prior to
20 January 1, 2004, FQHC and RHC per-visit rates shall be adjusted
21 by the Medicare Economic Index in accordance with the
22 methodology set forth in the state plan in effect on October 1,
23 2001.

24 (e) (1) An FQHC or RHC may apply for an adjustment to its
25 per-visit rate based on a change in the scope of services provided
26 by the FQHC or RHC. Rate changes based on a change in the
27 scope of services provided by an FQHC or RHC shall be evaluated
28 in accordance with Medicare reasonable cost principles, as set
29 forth in Part 413 (commencing with Section 413.1) of Title 42 of
30 the Code of Federal Regulations, or its successor.

31 (2) Subject to the conditions set forth in subparagraphs (A) to
32 (D), inclusive, of paragraph (3), a change in scope of service means
33 any of the following:

34 (A) The addition of a new FQHC or RHC service that is not
35 incorporated in the baseline prospective payment system (PPS)
36 rate, or a deletion of an FQHC or RHC service that is incorporated
37 in the baseline PPS rate.

38 (B) A change in service due to amended regulatory requirements
39 or rules.

1 (C) A change in service resulting from relocating or remodeling
2 an FQHC or RHC.

3 (D) A change in types of services due to a change in applicable
4 technology and medical practice utilized by the center or clinic.

5 (E) An increase in service intensity attributable to changes in
6 the types of patients served, including, but not limited to,
7 populations with HIV or AIDS, or other chronic diseases, or
8 homeless, elderly, migrant, or other special populations.

9 (F) Any changes in any of the services described in subdivision
10 (a) or (b), or in the provider mix of an FQHC or RHC or one of
11 its sites.

12 (G) Changes in operating costs attributable to capital
13 expenditures associated with a modification of the scope of any
14 of the services described in subdivision (a) or (b), including new
15 or expanded service facilities, regulatory compliance, or changes
16 in technology or medical practices at the center or clinic.

17 (H) Indirect medical education adjustments and a direct graduate
18 medical education payment that reflects the costs of providing
19 teaching services to interns and residents.

20 (I) Any changes in the scope of a project approved by the federal
21 Health Resources and Service Administration (HRSA).

22 (3) No change in costs shall, in and of itself, be considered a
23 scope-of-service change unless all of the following apply:

24 (A) The increase or decrease in cost is attributable to an increase
25 or decrease in the scope of services defined in subdivisions (a) and
26 (b), as applicable.

27 (B) The cost is allowable under Medicare reasonable cost
28 principles set forth in Part 413 (commencing with Section 413) of
29 Subchapter B of Chapter 4 of Title 42 of the Code of Federal
30 Regulations, or its successor.

31 (C) The change in the scope of services is a change in the type,
32 intensity, duration, or amount of services, or any combination
33 thereof.

34 (D) The net change in the FQHC's or RHC's rate equals or
35 exceeds 1.75 percent for the affected FQHC or RHC site. For
36 FQHCs and RHCs that filed consolidated cost reports for multiple
37 sites to establish the initial prospective payment reimbursement
38 rate, the 1.75-percent threshold shall be applied to the average
39 per-visit rate of all sites for the purposes of calculating the cost
40 associated with a scope-of-service change. "Net change" means

1 the per-visit rate change attributable to the cumulative effect of all
2 increases and decreases for a particular fiscal year.

3 (4) An FQHC or RHC may submit requests for scope-of-service
4 changes once per fiscal year, only within 90 days following the
5 beginning of the FQHC's or RHC's fiscal year. Any approved
6 increase or decrease in the provider's rate shall be retroactive to
7 the beginning of the FQHC's or RHC's fiscal year in which the
8 request is submitted.

9 (5) An FQHC or RHC shall submit a scope-of-service rate
10 change request within 90 days of the beginning of any FQHC or
11 RHC fiscal year occurring after the effective date of this section,
12 if, during the FQHC's or RHC's prior fiscal year, the FQHC or
13 RHC experienced a decrease in the scope of services provided that
14 the FQHC or RHC either knew or should have known would have
15 resulted in a significantly lower per-visit rate. If an FQHC or RHC
16 discontinues providing onsite pharmacy or dental services, it shall
17 submit a scope-of-service rate change request within 90 days of
18 the beginning of the following fiscal year. The rate change shall
19 be effective as provided for in paragraph (4). As used in this
20 paragraph, "significantly lower" means an average per-visit rate
21 decrease in excess of 2.5 percent.

22 (6) Notwithstanding paragraph (4), if the approved
23 scope-of-service change or changes were initially implemented
24 on or after the first day of an FQHC's or RHC's fiscal year ending
25 in calendar year 2001, but before the adoption and issuance of
26 written instructions for applying for a scope-of-service change,
27 the adjusted reimbursement rate for that scope-of-service change
28 shall be made retroactive to the date the scope-of-service change
29 was initially implemented. Scope-of-service changes under this
30 paragraph shall be required to be submitted within the later of 150
31 days after the adoption and issuance of the written instructions by
32 the department, or 150 days after the end of the FQHC's or RHC's
33 fiscal year ending in 2003.

34 (7) All references in this subdivision to "fiscal year" shall be
35 construed to be references to the fiscal year of the individual FQHC
36 or RHC, as the case may be.

37 (f) (1) An FQHC or RHC may request a supplemental payment
38 if extraordinary circumstances beyond the control of the FQHC
39 or RHC occur after December 31, 2001, and PPS payments are
40 insufficient due to these extraordinary circumstances. Supplemental

1 payments arising from extraordinary circumstances under this
2 subdivision shall be solely and exclusively within the discretion
3 of the department and shall not be subject to subdivision (l). These
4 supplemental payments shall be determined separately from the
5 scope-of-service adjustments described in subdivision (e).
6 Extraordinary circumstances include, but are not limited to, acts
7 of nature, changes in applicable requirements in the Health and
8 Safety Code, changes in applicable licensure requirements, and
9 changes in applicable rules or regulations. Mere inflation of costs
10 alone, absent extraordinary circumstances, shall not be grounds
11 for supplemental payment. If an FQHC's or RHC's PPS rate is
12 sufficient to cover its overall costs, including those associated with
13 the extraordinary circumstances, then a supplemental payment is
14 not warranted.

15 (2) The department shall accept requests for supplemental
16 payment at any time throughout the prospective payment rate year.

17 (3) Requests for supplemental payments shall be submitted in
18 writing to the department and shall set forth the reasons for the
19 request. Each request shall be accompanied by sufficient
20 documentation to enable the department to act upon the request.
21 Documentation shall include the data necessary to demonstrate
22 that the circumstances for which supplemental payment is requested
23 meet the requirements set forth in this section. Documentation
24 shall include all of the following:

25 (A) A presentation of data to demonstrate reasons for the
26 FQHC's or RHC's request for a supplemental payment.

27 (B) Documentation showing the cost implications. The cost
28 impact shall be material and significant, two hundred thousand
29 dollars (\$200,000) or 1 percent of a facility's total costs, whichever
30 is less.

31 (4) A request shall be submitted for each affected year.

32 (5) Amounts granted for supplemental payment requests shall
33 be paid as lump-sum amounts for those years and not as revised
34 PPS rates, and shall be repaid by the FQHC or RHC to the extent
35 that it is not expended for the specified purposes.

36 (6) The department shall notify the provider of the department's
37 discretionary decision in writing.

38 (g) (1) An FQHC or RHC "visit" means a face-to-face
39 encounter between an FQHC or RHC patient and a physician,
40 physician assistant, nurse practitioner, certified nurse-midwife,

1 clinical psychologist, licensed clinical social worker, or a visiting
2 nurse. For purposes of this section, “physician” shall be interpreted
3 in a manner consistent with the Centers for Medicare and Medicaid
4 Services’ Medicare Rural Health Clinic and Federally Qualified
5 Health Center Manual (Publication 27), or its successor, only to
6 the extent that it defines the professionals whose services are
7 reimbursable on a per-visit basis and not as to the types of services
8 that these professionals may render during these visits and shall
9 include a physician and surgeon, podiatrist, dentist, optometrist,
10 and chiropractor. A visit shall also include a face-to-face encounter
11 between an FQHC or RHC patient and a comprehensive perinatal
12 services practitioner, as defined in Section 51179.1 of Title 22 of
13 the California Code of Regulations, providing comprehensive
14 perinatal services, a four-hour day of attendance at an adult day
15 health care center, and any other provider identified in the state
16 plan’s definition of an FQHC or RHC visit.

17 (2) (A) A visit shall also include a face-to-face encounter
18 between an FQHC or RHC patient and a dental hygienist or a
19 dental hygienist in alternative practice.

20 (B) Notwithstanding subdivision (e), an FQHC or RHC that
21 currently includes the cost of the services of a dental hygienist in
22 alternative practice for the purposes of establishing its FQHC or
23 RHC rate shall apply for an adjustment to its per-visit rate, and,
24 after the rate adjustment has been approved by the department,
25 shall bill these services as a separate visit. However, multiple
26 encounters with dental professionals that take place on the same
27 day shall constitute a single visit. The department shall develop
28 the appropriate forms to determine which FQHC’s or RHC rates
29 shall be adjusted and to facilitate the calculation of the adjusted
30 rates. An FQHC’s or RHC’s application for, or the department’s
31 approval of, a rate adjustment pursuant to this subparagraph shall
32 not constitute a change in scope of service within the meaning of
33 subdivision (e). An FQHC or RHC that applies for an adjustment
34 to its rate pursuant to this subparagraph may continue to bill for
35 all other FQHC or RHC visits at its existing per-visit rate, subject
36 to reconciliation, until the rate adjustment for visits between an
37 FQHC or RHC patient and a dental hygienist or a dental hygienist
38 in alternative practice has been approved. Any approved increase
39 or decrease in the provider’s rate shall be made within six months
40 after the date of receipt of the department’s rate adjustment forms

1 pursuant to this subparagraph and shall be retroactive to the
2 beginning of the fiscal year in which the FQHC or RHC submits
3 the request, but in no case shall the effective date be earlier than
4 January 1, 2008.

5 (C) An FQHC or RHC that does not provide dental hygienist
6 or dental hygienist in alternative practice services, and later elects
7 to add these services, shall process the addition of these services
8 as a change in scope of service pursuant to subdivision (e).

9 (h) If FQHC or RHC services are partially reimbursed by a
10 third-party payer, such as a managed care entity (as defined in
11 Section 1396u-2(a)(1)(B) of Title 42 of the United States Code),
12 the Medicare Program, or the Child Health and Disability
13 Prevention (CHDP) program, the department shall reimburse an
14 FQHC or RHC for the difference between its per-visit PPS rate
15 and receipts from other plans or programs on a contract-by-contract
16 basis and not in the aggregate, and may not include managed care
17 financial incentive payments that are required by federal law to
18 be excluded from the calculation.

19 (i) (1) An entity that first qualifies as an FQHC or RHC in the
20 year 2001 or later, a newly licensed facility at a new location added
21 to an existing FQHC or RHC, and any entity that is an existing
22 FQHC or RHC that is relocated to a new site shall each have its
23 reimbursement rate established in accordance with one of the
24 following methods, as selected by the FQHC or RHC:

25 (A) The rate may be calculated on a per-visit basis in an amount
26 that is equal to the average of the per-visit rates of three comparable
27 FQHCs or RHCs located in the same or adjacent area with a similar
28 caseload.

29 (B) In the absence of three comparable FQHCs or RHCs with
30 a similar caseload, the rate may be calculated on a per-visit basis
31 in an amount that is equal to the average of the per-visit rates of
32 three comparable FQHCs or RHCs located in the same or an
33 adjacent service area, or in a reasonably similar geographic area
34 with respect to relevant social, health care, and economic
35 characteristics.

36 (C) At a new entity's one-time election, the department shall
37 establish a reimbursement rate, calculated on a per-visit basis, that
38 is equal to 100 percent of the projected allowable costs to the
39 FQHC or RHC of furnishing FQHC or RHC services during the
40 first 12 months of operation as an FQHC or RHC. After the first

1 12-month period, the projected per-visit rate shall be increased by
2 the Medicare Economic Index then in effect. The projected
3 allowable costs for the first 12 months shall be cost settled and the
4 prospective payment reimbursement rate shall be adjusted based
5 on actual and allowable cost per visit.

6 (D) The department may adopt any further and additional
7 methods of setting reimbursement rates for newly qualified FQHCs
8 or RHCs as are consistent with Section 1396a(bb)(4) of Title 42
9 of the United States Code.

10 (2) In order for an FQHC or RHC to establish the comparability
11 of its caseload for purposes of subparagraph (A) or (B) of paragraph
12 (1), the department shall require that the FQHC or RHC submit
13 its most recent annual utilization report as submitted to the Office
14 of Statewide Health Planning and Development, unless the FQHC
15 or RHC was not required to file an annual utilization report. FQHCs
16 or RHCs that have experienced changes in their services or
17 caseload subsequent to the filing of the annual utilization report
18 may submit to the department a completed report in the format
19 applicable to the prior calendar year. FQHCs or RHCs that have
20 not previously submitted an annual utilization report shall submit
21 to the department a completed report in the format applicable to
22 the prior calendar year. The FQHC or RHC shall not be required
23 to submit the annual utilization report for the comparable FQHCs
24 or RHCs to the department, but shall be required to identify the
25 comparable FQHCs or RHCs.

26 (3) The rate for any newly qualified entity set forth under this
27 subdivision shall be effective retroactively to the later of the date
28 that the entity was first qualified by the applicable federal agency
29 as an FQHC or RHC, the date a new facility at a new location was
30 added to an existing FQHC or RHC, or the date on which an
31 existing FQHC or RHC was relocated to a new site. The FQHC
32 or RHC shall be permitted to continue billing for Medi-Cal covered
33 benefits on a fee-for-service basis until it is informed of its
34 enrollment as an FQHC or RHC, and the department shall reconcile
35 the difference between the fee-for-service payments and the
36 FQHC's or RHC's prospective payment rate at that time.

37 (j) Visits occurring at an intermittent clinic site, as defined in
38 subdivision (h) of Section 1206 of the Health and Safety Code, of
39 an existing FQHC or RHC, or in a mobile unit as defined by
40 paragraph (2) of subdivision (b) of Section 1765.105 of the Health

1 and Safety Code, shall be billed by and reimbursed at the same
2 rate as the FQHC or RHC establishing the intermittent clinic site
3 or the mobile unit, subject to the right of the FQHC or RHC to
4 request a scope-of-service adjustment to the rate.

5 (k) An FQHC or RHC may elect to have pharmacy or dental
6 services reimbursed on a fee-for-service basis, utilizing the current
7 fee schedules established for those services. These costs shall be
8 adjusted out of the FQHC's or RHC's clinic base rate as
9 scope-of-service changes. An FQHC or RHC that reverses its
10 election under this subdivision shall revert to its prior rate, subject
11 to an increase to account for all MEI increases occurring during
12 the intervening time period, and subject to any increase or decrease
13 associated with applicable scope-of-services adjustments as
14 provided in subdivision (e).

15 (l) FQHCs and RHCs may appeal a grievance or complaint
16 concerning ratesetting, scope-of-service changes, and settlement
17 of cost report audits, in the manner prescribed by Section 14171.
18 The rights and remedies provided under this subdivision are
19 cumulative to the rights and remedies available under all other
20 provisions of law of this state.

21 (m) The department shall, by no later than March 30, 2008,
22 promptly seek all necessary federal approvals in order to implement
23 this section, including any amendments to the state plan. To the
24 extent that any element or requirement of this section is not
25 approved, the department shall submit a request to the federal
26 Centers for Medicare and Medicaid Services for any waivers that
27 would be necessary to implement this section.

28 (n) The department shall implement this section only to the
29 extent that federal financial participation is obtained.

30 *SEC. 96. The Legislature finds and declares all of the following*
31 *with respect to Section 2835.7 of the Business and Professions*
32 *Code, as added by Section 34 of this act:*

33 (a) *Nurse practitioners are registered nurses who have a*
34 *graduate education and clinical training, and who provide a wide*
35 *range of services and care.*

36 (b) *Under current law, nurse practitioners have the same*
37 *statutory authority to provide services and care as do registered*
38 *nurses. However, the law allows those registered nurses who the*
39 *Board of Registered Nursing has determined meet the standards*
40 *for a nurse practitioner to provide care and services beyond those*

1 *specified in statute for registered nurses where those services are*
2 *performed pursuant to standardized procedures and protocols*
3 *developed through collaboration among administrators and health*
4 *professionals, including physicians and surgeons, in the organized*
5 *health care system in which a nurse practitioner practices.*

6 *(c) The Legislature reiterates its intention to allow each*
7 *organized health care system in which a nurse practitioner*
8 *practices to define those services nurse practitioners may perform*
9 *in standardized procedures developed pursuant to Section 2725*
10 *of the Business and Professions Code.*

11 *(d) Notwithstanding the foregoing, the Legislature finds that*
12 *there may be some ambiguity in current law regarding what*
13 *services and functions to be performed by nurse practitioners may*
14 *be included in standardized procedures and protocols.*

15 *(e) Therefore, to remove this ambiguity, the Legislature hereby*
16 *clarifies that standardized procedures and protocols may include*
17 *the specified services and functions set forth in this act so that*
18 *health care entities may allow nurse practitioners to engage in*
19 *those activities if the entities choose to do so, and that third-party*
20 *payers understand that those services and functions can be*
21 *performed by nurse practitioners if they are included in an entity's*
22 *standardized procedures and protocols.*

23 ~~SEC. 87.~~

24 *SEC. 97.* Section 1.5 of this bill incorporates amendments to
25 Section 27 of the Business and Professions Code proposed by both
26 this bill and AB 48. It shall only become operative if (1) both bills
27 are enacted and become effective on or before January 1, 2010,
28 but this bill becomes operative first, (2) each bill amends Section
29 27 of the Business and Professions Code, and (3) this bill is enacted
30 after AB 48, in which case Section 27 of the Business and
31 Professions Code, as amended by Section 1 of this bill, shall remain
32 operative only until the operative date of AB 48, at which time
33 Section 1.5 of this bill shall become operative.

34 ~~SEC. 88.~~

35 *SEC. 98.* (a) Section 2.2 of this bill incorporates amendments
36 to Section 101 of the Business and Professions Code proposed by
37 both this bill and AB 20 of the 2009–10 Fourth Extraordinary
38 Session. It shall only become operative if (1) both bills are enacted
39 and become effective on or before January 1, 2010, but this bill
40 becomes operative first, (2) both bills amend Section 101 of the

1 Business and Professions Code, and (3) this bill is enacted after
2 AB 20 of the 2009–10 Fourth Extraordinary Session, in which
3 case Section 101 of the Business and Professions Code, as amended
4 by Section 2 of this bill, shall remain operative only until the
5 operative date of AB 20 of the 2009–10 Fourth Extraordinary
6 Session, at which time Section 2.2 of this bill shall become
7 operative and shall remain operative until the date specified in
8 subdivision (b), (c), or (d), if applicable. If subdivision (b), (c),
9 and (d) do not apply, Section 2.2 of this bill shall remain operative
10 and Section 2.4, 2.6, and 2.8 of this bill shall not become operative.

11 (b) Section 2.4 of this bill incorporates amendments to Section
12 101 of the Business and Professions Code proposed by this bill,
13 AB 20 of the 2009–10 Fourth Extraordinary Session, and AB 48.
14 It shall only become operative if (1) all three bills are enacted and
15 become effective on or before January 1, 2010, but this bill
16 becomes operative first, (2) all three bills amend Section 101 of
17 the Business and Professions Code, (3) AB 1535 is not enacted or
18 as enacted does not amend that section, and (4) this bill is enacted
19 after AB 20 of the 2009–10 Fourth Extraordinary Session and AB
20 48, in which case Section 101 of the Business and Professions
21 Code, as amended by Section 2.2 of this bill, shall remain operative
22 only until the operative date of AB 48, at which time Section 2.4
23 of this bill shall become operative and Sections 2.6 and 2.8 of this
24 bill shall not become operative.

25 (c) Section 2.6 of this bill incorporates amendments to Section
26 101 of the Business and Professions Code proposed by this bill,
27 AB 20 of the 2009–10 Fourth Extraordinary Session, and AB 1535.
28 It shall only become operative if (1) all three bills are enacted and
29 become effective on or before January 1, 2010, but this bill
30 becomes operative first, (2) all three bills amend Section 101 of
31 the Business and Professions Code, (3) AB 48 is not enacted or as
32 enacted does not amend that section, and (4) this bill is enacted
33 after AB 20 of the 2009–10 Fourth Extraordinary Session and AB
34 1535, in which case Section 101 of the Business and Professions
35 Code, as amended by Section 2.2 of this bill, shall remain operative
36 only until the operative date of AB 1535, at which time Section
37 2.6 of this bill shall become operative and Sections 2.4 and 2.8 of
38 this bill shall not become operative.

39 (d) Section 2.8 of this bill incorporates amendments to Section
40 101 of the Business and Professions Code proposed by this bill,

1 AB 20 of the 2009–10 Fourth Extraordinary Session, AB 48, and
2 AB 1535. It shall only become operative if (1) all four bills are
3 enacted and become effective on or before January 1, 2010, but
4 this bill becomes operative first, (2) all four bills amend Section
5 101 of the Business and Professions Code, and (3) this bill is
6 enacted after AB 20 of the 2009–10 Fourth Extraordinary Session,
7 AB 48, and AB 1535, in which case Section 101 of the Business
8 and Professions Code, as amended by Section 2.2 of this bill, shall
9 remain operative only until the operative date of AB 48 and AB
10 1535, at which time Section 2.8 of this bill shall become operative
11 and Sections 2.4 and 2.6 of this bill shall not become operative.

12 ~~SEC. 89.~~

13 *SEC. 99.* Section 5.5 of this bill incorporates amendments to
14 Section 146 of the Business and Professions Code proposed by
15 both this bill and AB 48. It shall only become operative if (1) both
16 bills are enacted and become effective on or before January 1,
17 2010, but this bill becomes operative first, (2) each bill amends
18 Section 146 of the Business and Professions Code, and (3) this bill
19 is enacted after AB 48, in which case Section 146 of the Business
20 and Professions Code, as amended by Section 5 of this bill, shall
21 remain operative only until the operative date of AB 48, at which
22 time Section 5.5 of this bill shall become operative.

23 ~~SEC. 90.~~

24 *SEC. 100.* (a) Section 6.2 of this bill incorporates amendments
25 to Section 149 of the Business and Professions Code proposed by
26 both this bill and AB 20 of the 2009–10 Fourth Extraordinary
27 Session. It shall only become operative if (1) both bills are enacted
28 and become effective on or before January 1, 2010, but this bill
29 becomes operative first, (2) both bills amend Section 149 of the
30 Business and Professions Code, and (3) this bill is enacted after
31 AB 20 of the 2009–10 Fourth Extraordinary Session, in which
32 case Section 149 of the Business and Professions Code, as amended
33 by Section 6 of this bill, shall remain operative only until the
34 operative date of AB 20 of the 2009–10 Fourth Extraordinary
35 Session, at which time Section 6.2 of this bill shall become
36 operative and shall remain operative until the date specified in
37 subdivision (b), (c), or (d) if applicable. If subdivisions (b), (c),
38 and (d) do not apply, Section 6.2 of this bill shall remain operative
39 and Sections 6.4, 6.6, and 6.8 of this bill shall not become
40 operative.

1 (b) Section 6.4 of this bill incorporates amendments to Section
2 149 of the Business and Professions Code proposed by this bill,
3 AB 20 of the 2009–10 Fourth Extraordinary Session, and AB 48.
4 It shall only become operative if (1) all three bills are enacted and
5 become effective on or before January 1, 2010, but this bill
6 becomes operative first, (2) all three bills amend Section 149 of
7 the Business and Professions Code, (3) AB 1535 is not enacted or
8 as enacted does not amend that section, and (4) this bill is enacted
9 after AB 20 of the 2009–10 Fourth Extraordinary Session, and AB
10 48, in which case Section 149 of the Business and Professions
11 Code, as amended by Section 6.2 of this bill, shall remain operative
12 only until the operative date of AB 48, at which time Section 6.4
13 of this bill shall become operative and Sections 6.6 and 6.8 of this
14 bill shall not become operative.

15 (c) Section 6.6 of this bill incorporates amendments to Section
16 149 of the Business and Professions Code proposed by this bill,
17 AB 20 of the 2009–10 Fourth Extraordinary Session, and AB 1535.
18 It shall only become operative if (1) all three bills are enacted and
19 become effective on or before January 1, 2010, but this bill
20 becomes operative first, (2) all three bills amend Section 149 of
21 the Business and Professions Code, (3) AB 48 is not enacted or as
22 enacted does not amend that section, and (4) this bill is enacted
23 after AB 20 of the 2009–10 Fourth Extraordinary Session and AB
24 1535, in which case Section 149 of the Business and Professions
25 Code, as amended by Section 6.2 of this bill, shall remain operative
26 only until the operative date of AB 1535, at which time Section
27 6.6 of this bill shall become operative and Sections 6.4 and 6.8 of
28 this bill shall not become operative.

29 (d) Section 6.8 of this bill incorporates amendments to Section
30 149 of the Business and Professions Code proposed by this bill,
31 AB 20 of the 2009–10 Fourth Extraordinary Session, AB 48, and
32 AB 1535. It shall only become operative if (1) all four bills are
33 enacted and become effective on or before January 1, 2010, but
34 this bill becomes operative first, (2) all four bills amend Section
35 149 of the Business and Professions Code, and (3) this bill is
36 enacted after AB 20 of the 2009–10 Fourth Extraordinary Session,
37 AB 48, and AB 1535, in which case Section 149 of the Business
38 and Professions Code, as amended by Section 6.2 of this bill, shall
39 remain operative only until the operative date of AB 48 and AB

1 1535, at which time Section 6.8 of this bill shall become operative
2 and Sections 6.4 and 6.6 of this bill shall not become operative.

3 ~~SEC. 91.~~

4 *SEC. 101.* Section 9.5 of this bill incorporates amendments to
5 Section 800 of the Business and Professions Code proposed by
6 both this bill and SB 820. It shall only become operative if (1) both
7 bills are enacted and become effective on or before January 1,
8 2010, but this bill becomes operative first, (2) each bill amends
9 Section 800 of the Business and Professions Code, and (3) this bill
10 is enacted after SB 820, in which case Section 800 of the Business
11 and Professions Code, as amended by Section 9 of this bill, shall
12 remain operative only until the operative date of SB 820, at which
13 time Section 9.5 of this bill shall become operative.

14 ~~SEC. 92.~~

15 *SEC. 102.* Section 28.5 of this bill incorporates amendments
16 to Section 2570.5 of the Business and Professions Code proposed
17 by both this bill and SB 821. It shall only become operative if (1)
18 both bills are enacted and become effective on or before January
19 1, 2010, but this bill becomes operative first, (2) both bills amend
20 Section 2570.5 of the Business and Professions Code, and (3) this
21 bill is enacted after SB 821, in which case Section 2570.5 of the
22 Business and Professions Code, as amended by Section 28 of this
23 bill, shall remain operative only until the operative date of SB 821,
24 at which time Section 28.5 of this bill shall become operative.

25 ~~SEC. 93.~~

26 *SEC. 103.* Section 29.5 of this bill incorporates amendments
27 to Section 2570.6 of the Business and Professions Code proposed
28 by both this bill and SB 821. It shall only become operative if (1)
29 both bills are enacted and become effective on or before January
30 1, 2010, but this bill becomes operative first, (2) both bills amend
31 Section 2570.6 of the Business and Professions Code, and (3) this
32 bill is enacted after SB 821, in which case Section 2570.6 of the
33 Business and Professions Code, as amended by Section 29 of this
34 bill, shall remain operative only until the operative date of SB 821,
35 at which time Section 29.5 of this bill shall become operative.

36 ~~SEC. 94.~~

37 *SEC. 104.* Section 30.5 of this bill incorporates amendments
38 to Section 2570.7 of the Business and Professions Code proposed
39 by both this bill and SB 821. It shall only become operative if (1)
40 both bills are enacted and become effective on or before January

1 1, 2010, but this bill becomes operative first, (2) each bill amends
2 Section 2570.7 of the Business and Professions Code, and (3) this
3 bill is enacted after SB 821, in which case Section 2570.7 of the
4 Business and Professions Code, as amended by Section 30 of this
5 bill, shall remain operative only until the operative date of SB 821,
6 at which time Section 30.5 of this bill shall become operative.

7 ~~SEC. 95.~~

8 *SEC. 105.* Section 38.5 of this bill incorporates amendments
9 to Section 3635 of the Business and Professions Code proposed
10 by both this bill and AB 20 of the 2009–10 Fourth Extraordinary
11 Session. It shall only become operative if (1) both bills are enacted
12 and become effective on or before January 1, 2010, but this bill
13 becomes operative first, (2) both bills amend Section 3635 of the
14 Business and Professions Code, and (3) this bill is enacted after
15 AB 20 of the 2009–10 Fourth Extraordinary Session, in which
16 case Section 3635 of the Business and Professions Code, as
17 amended by Section 38 of this bill, shall remain operative only
18 until the operative date of AB 20 of the 2009–10 Fourth
19 Extraordinary Session, at which time Section 38.5 of this bill shall
20 become operative.

21 ~~SEC. 96.~~

22 *SEC. 106.* Section 39.5 of this bill incorporates amendments
23 to Section 3636 of the Business and Professions Code proposed
24 by both this bill and AB 20 of the 2009–10 Fourth Extraordinary
25 Session. It shall only become operative if (1) both bills are enacted
26 and become effective on or before January 1, 2010, but this bill
27 becomes operative first, (2) both bills amend Section 3636 of the
28 Business and Professions Code, and (3) this bill is enacted after
29 AB 20 of the 2009–10 Fourth Extraordinary Session, in which
30 case Section 3636 of the Business and Professions Code, as
31 amended by Section 39 of this bill, shall remain operative only
32 until the operative date of AB 20 of the 2009–10 Fourth
33 Extraordinary Session, at which time Section 39.5 of this bill shall
34 become operative.

35 ~~SEC. 97.~~

36 *SEC. 107.* Section 44.5 of this bill incorporates amendments
37 to Section 4040 of the Business and Professions Code proposed
38 by both this bill and SB 470. It shall only become operative if (1)
39 both bills are enacted and become effective on or before January
40 1, 2010, but this bill becomes operative first, (2) each bill amends

1 Section 4040 of the Business and Professions Code, and (3) this
2 bill is enacted after SB 470, in which case Section 4040 of the
3 Business and Professions Code, as amended by Section 44 of this
4 bill, shall remain operative only until the operative date of SB 470,
5 at which time Section 44.5 of this bill shall become operative.

6 ~~SEC. 98.~~

7 *SEC. 108.* Section 49.5 of this bill incorporates amendments
8 to Section 4076 of the Business and Professions Code proposed
9 by both this bill and SB 470. It shall only become operative if (1)
10 both bills are enacted and become effective on or before January
11 1, 2010, but this bill becomes operative first, (2) each bill amends
12 Section 4076 of the Business and Professions Code, and (3) this
13 bill is enacted after SB 470, in which case Section 4076 of the
14 Business and Professions Code, as amended by Section 49 of this
15 bill, shall remain operative only until the operative date of SB 470,
16 at which time Section 49.5 of this bill shall become operative.

17 ~~SEC. 99.~~

18 *SEC. 109.* Section 51.5 of this bill incorporates amendments
19 to Section 4110 of the Business and Professions Code proposed
20 by both this bill and AB 1071. It shall only become operative if
21 (1) both bills are enacted and become effective on or before January
22 1, 2010, but this bill becomes operative first, (2) each bill amends
23 Section 4110 of the Business and Professions Code, and (3) this
24 bill is enacted after AB 1071, in which case Section 4110 of the
25 Business and Professions Code, as amended by Section 51 of this
26 bill, shall remain operative only until the operative date of AB
27 1071, at which time Section 51.5 of this bill shall become operative.

28 ~~SEC. 100.~~

29 *SEC. 110.* Section ~~77.5~~ 86.5 of this bill incorporates
30 amendments to Section 7616 of the Business and Professions Code
31 proposed by both this bill and SB 821. It shall only become
32 operative if (1) both bills are enacted and become effective on or
33 before January 1, 2010, but this bill becomes operative first, (2)
34 each bill amends Section 7616 of the Business and Professions
35 Code, and (3) this bill is enacted after SB 821, in which case
36 Section 7616 of the Business and Professions Code, as amended
37 by Section ~~77~~ 86 of this bill, shall remain operative only until the
38 operative date of SB 821, at which time Section ~~77.5~~ 86.5 of this
39 bill shall become operative.

1 ~~SEC. 101.~~

2 ~~SEC. 111.~~ No reimbursement is required by this act pursuant
3 to Section 6 of Article XIII B of the California Constitution because
4 the only costs that may be incurred by a local agency or school
5 district will be incurred because this act creates a new crime or
6 infraction, eliminates a crime or infraction, or changes the penalty
7 for a crime or infraction, within the meaning of Section 17556 of
8 the Government Code, or changes the definition of a crime within
9 the meaning of Section 6 of Article XIII B of the California
10 Constitution.

11 ~~SEC. 102.~~

12 ~~SEC. 112.~~ This act is an urgency statute necessary for the
13 immediate preservation of the public peace, health, or safety within
14 the meaning of Article IV of the Constitution and shall go into
15 immediate effect. The facts constituting the necessity are:

16 In order to enable various regulatory boards in the Department
17 of Consumer Affairs to better carry out their licensing and
18 enforcement functions and for these boards to provide better
19 protection to the people of the State of California as soon as
20 practically possible, it is necessary that this act take effect
21 immediately.